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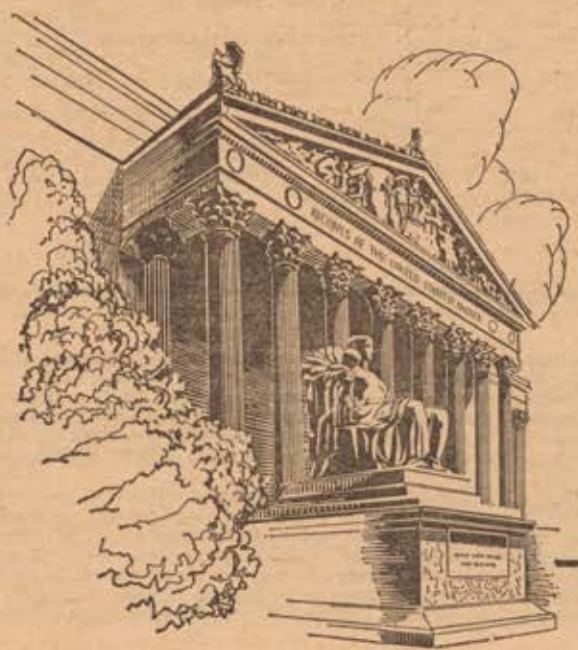
Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

917 8255
922 8255
PROPOSED RULES:
917 8273

9 CFR

PROPOSED RULES:
131 8271

14 CFR

1 8256
23 8259
25 8259
37 8262
39 8263
43 8259
61 8256
71 (3 documents) 8264, 8265
91 8259
PROPOSED RULES:
39 (6 documents) 8273–8275
71 (2 documents) 8276

19 CFR

12 8265
25 8265

21 CFR

120 8266
121 (2 documents) 8267

25 CFR

251 8267

36 CFR

221 8268

45 CFR

104 8268

49 CFR

95 (3 documents) 8269

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Plum Order 7, Amdt. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of El Dorado plums grown in California.

(b) It is, therefore, ordered that the provisions of paragraph (b)(1)(i) of § 917.359 (Plum Order 7; 30 F.R. 7474) are hereby amended to read as follows:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 7; or (2) as releasing or extinguishing any violation of Plum Order 7 which has occurred or which, prior to the effective time of the provision hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 28, 1965, to be effective on and after 12:01 a.m., P.s.t., June 29, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6903; Filed, June 28, 1965; 11:15 a.m.]

[Apricot Reg. 4]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 922.304 Apricot Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 922, as amended), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 28, 1965. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until June 15, 1965; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 21, 1965; shipments of the current crop of such apricots will begin on or about June 28, 1965, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 28, 1965, and ending at 12:01 a.m., P.s.t., October 1, 1965, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1: *Provided*, That such apricots are at least reasonably uniform in color;

(ii) Such apricots measure not less than 1⅝ inches in diameter: *Provided*, That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded wooden boxes may measure not less than 1¼ inches: *And provided, further*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements; and

(iii) Such apricots when packed in lidded containers are row-faced: *Provided*, That this requirement shall not apply to apricots in experimental containers approved pursuant to § 922.110.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which (i) does not, in the aggregate, exceed 150 pounds may be handled without regard to the restrictions specified in this paragraph (grade, size, pack, and container) or in § 922.41 (Assessments) or § 922.55 (Certification); (ii) is sold at the orchard, is in excess of 150 pounds but not in excess of 500 pounds, and is for home use only and not for resale in commercial channels may be handled without regard to the restrictions in § 922.55 (Certification) or the pack and container requirements of this paragraph: *Provided*, That the fruit so shipped meets the grade and size requirements of this paragraph and is subject to § 922.41 (Assessments) and is reported to the committee on forms furnished by the committee in the manner specified therein.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Depart-

ment of Agriculture Official Standards for Apricots (1958); and "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 24 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6805; Filed, June 28, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 4081; Amdt. Nos. 1–9; 61–18]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Biennial Expiration and Renewal of Flight Instructor Certificates and Increased Supervision of Student Pilot Activities

The purpose of these amendments to Parts 1 and 61 of the Federal Aviation Regulations is to provide for higher standards of flight instruction and closer control over student pilot activities. This action was published as a notice of proposed rule making and circulated as a Federal Aviation Agency Notice No. 64–18 (29 F.R. 4738).

It was proposed in Notice No. 64–18 to delete the definition of "dual instruction" now contained in Part 1 and to make certain amendments to Part 61 that will—

(1) Prohibit the giving of flight instruction required to qualify for a pilot certificate or rating by any person except a certificated flight instructor;

(2) Provide improved standards for the certification of flight instructors and raise the standards of flight instruction;

(3) Give a certificated flight instructor additional responsibilities; and

(4) Provide for closer supervision of student pilot activities. The comments received in response to Notice 64–18 were generally favorable to the proposed amendments.

The biennial expiration and renewal of flight instructor certificates (§ 61.9 (b)) was the most controversial item in the proposed amendments. Many arguments, for and against, were received in response to this item. However, while some of the comments that opposed the amendment were based upon the opinion that the renewal was unnecessary, others were based on an assumption that a retesting on all items of the oral and flight test would be required for each renewal, regardless of the experience and competency of the applicant. Comments favoring the renewal requirement expressed a belief that there is a need for higher standards of flight instruction and that the proposed requirement should result in more proficient instructors and safer pilots. In view of the importance of this aspect of the proposal, the Agency carefully evaluated its position as set forth in the proposal and believes that the rule should be adopted as proposed. Under the proposed § 61.177, and as adopted in this rule, an applicant for the renewal of a flight instructor certificate should be prepared to take the practical tests prescribed by § 61.173 if his certificate has expired at the time of his application for renewal.

An applicant holding a current certificate at the time of application should also be prepared to take the practical tests prescribed in § 61.173. However, in the case of a flight instructor with a record of satisfactory training and performance by his students, the rule permits little or no retesting for the renewal. On the other hand, in the case of an instructor who has had little or no instructing activity, or if the performance of his students indicates a possible deficiency in his instructing techniques, a renewal test will be given the applicant on those items of the test prescribed in § 61.173 that the examining inspector believes are necessary to determine the applicant's continued competency. Instructions for the handling of renewal applications by inspectors and pertinent advisory material to the public will be issued well in advance of the time when renewals will first be required.

Section 61.21(a)(4) excepts an applicant for a type rating only from having a flight instructor's recommendation. In order to keep the requirements consistent in the case of retesting an applicant for a type rating only after failure, § 61.27(b) is amended to exclude the applicant for a type rating only from the requirements of obtaining a qualified flight instructor's recommendation before retesting.

The proposed general limitations in § 61.73(c) were generally favored by persons commenting on Notice No. 64–18. However, some expressed opposition to the requirements for flight instruction within the preceding 90 days and flight instructor authorization for each solo cross-country flight by a student pilot. The purpose of these requirements is to insure that the student pilot avails himself of the advice and counsel of a flight instructor during the important formative period of his training.

The Agency has considered the comments on these items and has determined that these requirements should not apply after a student pilot has acquired the aeronautical experience required for a private pilot certificate, and he has an endorsement by a flight instructor that the student pilot is considered capable of exercising solo cross-country privileges without a flight instructor's supervision and is considered competent to make solo flights, or solo cross-country flights, or both, without mandatory periodic flight checks. Present paragraph (c) is retained and proposed paragraphs (c) and (d) have been amended to provide for this exception and are redesignated as paragraphs (d) and (e) to § 61.73.

Some comments indicate that the words "flight plan" as used in proposed § 61.73(d) were misinterpreted as meaning a flight plan filed with air traffic control. The Agency, of course, encourages the filing of VFR flight plans; however, the words "flight plan" in this section meant the student's preflight preparation or planning for his flight. In order to eliminate misinterpretation, the words "student's preflight preparation and planning" are substituted for "flight plan" in new § 61.73(e).

A number of persons misinterpreted proposed § 61.170 as requiring that a flight instructor who instructs in airplanes must hold an instrument rating on his pilot certificate. An instrument rating is required only if the applicant wishes to be rated to give instrument flight instruction.

The proposed § 61.179 provides that required glider flight instruction may be given only by certificated glider flight instructors. However, a provision was included that would allow a commercial glider pilot to obtain a flight instructor certificate with a glider rating or a certificated flight instructor to obtain a glider rating on his certificate, if the applicant has given at least 10 hours of glider flight instruction as a commercial glider pilot within the 12 months before the date of his application. Representatives of several soaring clubs recommended a reduction in the 10-hour instruction requirement. They pointed out that most people who learn to fly gliders have had previous powered aircraft experience and, therefore, require little instruction for a glider checkout. The Agency has considered these comments and has determined that a requirement of 2 hours of flight instruction in gliders, including at least 10 flights, provides a reasonable basis on which to issue certificates or ratings under this special issue provision. Section 61.179 has been amended to indicate this change.

Proposed § 61.173(b)(2) in Notice 64–18 stated that an applicant would be tested on flight maneuvers appropriate to the instructor rating sought. The Agency intended to implement this section by issuing advisory material and guidelines covering the specific maneuvers. However, after considering comments received on this method, the Agency has determined that the specific maneuvers should be listed in the rule in order to give the widest circulation to the public. Advisory material and guidelines will be issued in addition to inserting the lists in the rule. Section 61.173 (b)(2) has been changed to include lists of the appropriate flight maneuvers. These lists are substantially the same as those contained in the present regulations; however, they have been presented in a format that indicates more specific testing categories.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 1 and 61 of the Federal Aviation Regulations are amended effective September 26, 1965, as follows:

1. By striking out the definition "Dual instruction" in § 1.1 of Part 1.

2. By redesignating paragraphs (d) and (e) of § 61.3 of Part 61 as paragraphs (e) and (f), respectively, and adding a new paragraph (d) reading as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(d) *Flight instructor certificates.* Except in the case of lighter-than-air flight instruction or as otherwise specifically provided, no person other than the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate.

Notwithstanding any other provision of this part, the holder of a commercial pilot certificate with a glider rating that was valid on September 25, 1965, may exercise the privileges of the holder of a flight instructor certificate with a glider rating on that certificate until September 26, 1966.

3. By amending § 61.9(b) to read as follows:

§ 61.9 Duration of certificates.

* * * * *

(b) *Flight instructor certificates.* (1) A limited flight instructor certificate expires at the end of the 24th month after the month in which it was issued, but the holder of an expired limited flight instructor certificate may obtain a flight instructor certificate under § 61.176.

(2) A flight instructor certificate issued before September 26, 1965, expires at the end of the holder's next birth month following September 1966, but the holder thereof may obtain another certificate under § 61.177.

(3) A flight instructor certificate issued or renewed after September 25, 1965, expires at the end of the 24th month after the month in which it was issued or renewed, but the holder thereof may obtain another certificate under § 61.177.

(4) A flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.172.

4. By striking out the words "or a commercial glider pilot" in § 61.17(c).

5. By amending § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

(a) To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(1) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(2) Have the applicable aeronautical experience prescribed in this part;

(3) Hold a medical certificate appropriate to the certificate he seeks; and

(4) Except when applying for a type rating only, have a written statement (from a certificated flight instructor with an approprate rating on his flight instructor certificate) certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test.

(b) Notwithstanding subparagraphs (1) and (4) of paragraph (a) of this section, an applicant for an airline transport pilot certificate who has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a U.S. air carrier or commercial operator since no later than 24 months after passing the written test, or has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a U.S. scheduled military air transportation service after passing the written test, may take the flight test for that certificate as long as he continues in that employment and pilot training program. In addition, subparagraph (4) of paragraph (a) of this section does not apply to an applicant for a pilot certificate with a lighter-than-air category or associated class rating.

6. By amending the parenthetical expression in § 61.27(a) to read "(other than an airline transport pilot certificate or associated rating or a pilot certificate with a lighter-than-air category or associated class rating)" and by amending § 61.27(b) to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(b) *Flight test.* An applicant for a certificate or rating under this part (other than an applicant for a type rating only, an airline transport pilot certificate or associated rating, or a pilot certificate with a lighter-than-air category or associated class rating) who fails a flight test for that certificate or rating may apply for retesting upon presenting a statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate that he has given additional instruction to the applicant and now considers the applicant ready for retesting.

7. By striking out the reference "§§ 61.47 or 61.177(c)" in § 61.39(a) and inserting the reference "§ 61.47" in place thereof.

8. By striking out the words "or a commercial glider pilot" in § 61.63(a)(2)(iii).

9. By striking out the parenthetical expression "(or a commercial glider pilot in the case of gliders)," in § 61.63(a)(3).

10. By striking out the word "and" at the end of § 61.65(b)(6) and adding a new subparagraph (8) reading as follows:

§ 61.65 Airplane operations: flight area limitations.

* * * * *

(b) * * *

(8) The use of the magnetic compass; and

* * * * *

11. By striking out the word "and" at the end of § 61.67(b)(2) and adding a new subparagraph (4) reading as follows:

§ 61.67 Rotorcraft operations: flight area limitations.

* * * * *

(b) * * *

(4) The use of the magnetic compass; and

* * * * *

12. By amending § 61.69(b) to read as follows:

§ 61.69 Glider operations: flight area limitations.

* * * * *

(b) He has received flight instruction (from a certificated flight instructor with an appropriate rating on his flight instructor certificate) in cross-country navigation by reference to aeronautical charts and the magnetic compass; and

* * * * *

13. By striking out the words ", or a commercial glider pilot," in § 61.69(c).

14. By adding the following new paragraphs at the end of § 61.73:

§ 61.73 General limitations.

* * * * *

(d) A student pilot may not operate an airplane or rotorcraft in solo flight unless within the preceding 90 days—

(1) He has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate;

(2) He has demonstrated to that flight instructor that he is competent to solo that category of aircraft; and

(3) That flight instructor has endorsed in the student pilot's logbook that he has given that flight instruction and found the student competent for solo flight.

However, this paragraph does not apply if the student pilot meets the requirements of paragraph (c) of this section, has acquired the aeronautical experience required for a private pilot certificate, and obtains an endorsement by a flight instructor that the student pilot is considered competent to make solo flights without mandatory periodic flight checks.

(e) A student pilot may not operate an airplane or rotorcraft in solo cross-country flight until a certificated flight instructor with an appropriate rating on his flight instructor certificate has reviewed the student's preflight preparation and planning, determined that the student is competent to make the flight, and has so endorsed the student's pilot logbook. The student must carry that logbook on each solo cross-country flight. However, a student pilot may perform repeated solo cross-country flights over a specified course of not more than 50 miles in length, without an endorsement for each flight, if a certificated flight instructor with an appropriate rating on his flight instructor certificate has—

(1) Given him flight instruction over the course in both directions, and in takeoffs and landings at both landing areas involved; and

(2) Found that the student is competent to make flights over the course without an authorization for each flight and has so endorsed the student's pilot logbook.

However, this paragraph does not apply if the student pilot has acquired the aeronautical experience required for a private pilot certificate and obtains an endorsement by a certificated flight instructor that the student pilot is considered competent to exercise solo cross-country privileges without a flight instructor's supervision.

15. By striking out the first sentence of § 61.131(d).

16. By amending Subpart F of Part 61 to read as follows:

Subpart F—Flight Instructors

Sec.
61.170 Eligibility requirements: general.
61.171 Aeronautical knowledge.
61.172 Aeronautical experience.
61.173 Aeronautical skill.
61.174 Flight instructor records.
61.175 Flight instructor ratings on pilot certificates.
61.176 Limited flight instructor certificates.
61.177 Renewal of flight instructor certificates.
61.178 Additional flight instructor ratings.
61.179 Special issue of a flight instructor certificate with a glider rating.
61.180 Limitations.

AUTHORITY: The provisions of this Subpart F issued under secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422.

§ 61.170 Eligibility requirements: general.

To be eligible for a flight instructor certificate wfiith an airplane, rotorcraft, or glider category rating, or an instrument rating, a person must hold a pilot rating in that category of aircraft, or an instrument rating or airline transport pilot certificate, as appropriate, and meet the aeronautical knowledge, experience, and skill requirements of this subpart.

§ 61.171 Aeronautical knowledge.

An applicant for a flight instructor certificate must pass a written test on—

(a) The fundamentals of flight instruction; and

(b) The performance and analysis of flight training maneuvers appropriate to the instructor rating sought.

§ 61.172 Aeronautical experience.

An applicant for a flight instructor certificate must hold a current—

(a) Airline transport pilot certificate;

(b) Commercial pilot certificate without ICAO instrument or night flight limitations endorsement; or

(c) Private pilot certificate and—

(1) Meet the aeronautical knowledge, experience, and skill requirements for the issue of a commercial pilot certificate appropriate to the category of aircraft in which he desires to give flight instruction; and

(2) Meet the ICAO commercial pilot night flight requirements if he seeks an airplane category rating.

§ 61.173 Aeronautical skill.

An applicant for a flight instructor certificate must perform the following procedures and maneuvers with regard to the giving of flight instruction appropriate to the rating sought:

(a) *Phase I—Oral and preflight tests.*

(1) Flight instructor procedures and responsibilities.

(2) Factors, conditions, and principles which control the learning process.

(3) Essential elements, objectives, and limitations of a lesson plan.

(4) Preparation of a lesson plan for flight instruction for a presolo student who has had little flight instruction or a lesson plan including the use of flight instruments, radio aids, and IFR flight clearances if the applicant is seeking an instrument rating. The lesson planned under Phase I is conducted under paragraph (b) of this section, with the examining FAA inspector acting as the student.

(b) *Phase II—Flight test.* The applicant must perform any of the following maneuvers (appropriate to the rating sought) as may be requested by the FAA inspector.

(1) Airplane:

(i) Normal Operations.

Preflight operations.
Radio communications.
Taxiing or sailing and docking.
Normal takeoffs and landings.
Straight and level flight.
Medium turns.
Steep turns.
Climbs and climbing turns.
Descents, with and without power, in straight flight and in turns.

(ii) Ground Reference Maneuvers.

Crosswind takeoffs and landings.
Short-field takeoffs and landings.
Soft-field takeoffs and landings.
Full-stall landings (nosewheel-type airplanes).
Wheel landings (tailwheel-type airplanes).
Power approaches.
Accuracy approaches and spot landings.
S turns across a road.
Turns about a point.
Pattern eights.
Rectangular courses and airport traffic patterns.
Slips.

(iii) Coordination Maneuvers.

720° power turns.
Gliding spirals.
Stalls and slow flight.
Chandelles.
Lazy eights.
Pylon eights.

(iv) Emergency Operations.

Forced landings.
Flight emergencies.
Emergency operation of aircraft equipment.
Engine-out emergencies (if multiengine airplane is used).
Control of airplane by reference to flight instruments.

(v) Cross-Country Navigation.

Dead reckoning.
Pilotage.
Radio navigation.

(vi) Spins. (The inspector may accept a logbook record of spin flight instruction in lieu of a demonstration. Such a record must indicate that the applicant has demonstrated satisfactory entries and recoveries from spins in both directions, and shall be certified by the flight instructor who conducted the flight instruction.)

(2) Rotorcraft (if helicopter used):

(i) Normal Operations.

Preflight operations.
Taxiing.
Vertical takeoff to hover.
Vertical landing from hover.
Normal departures from a hover.
Normal approaches to a hover.
Medium banked turns.

(ii) Precision Maneuvers.

Hovering; upwind, crosswind, and downwind.
Hovering turns.
Pattern flying, with constant and with changing headings.
S turns (at 500' altitude).
Rapid decelerations (quick stops).

(iii) Special Operations.

Simulated high-altitude takeoff.
Roll-on landing.
Crosswind takeoffs and landings.

(iv) Emergencies.

Emergency operation of equipment.
Autorotative landings, both to touchdown and with power recovery.
Loss of lift at altitude.
Engine failure in a hover.

(3) Rotorcraft (if gyroplane used):

(i) Normal Operations.

Preflight operations.
Taxiing or sailing and docking.
Normal takeoff and landing.
Airport traffic patterns.
Use of radio for voice communications.

(ii) Precision Maneuvers.

Turns about a point (45° bank at steepest point).
Gliding spirals about a point on the ground.
Right and left 720° power turns.
Maneuvering at minimum level flight airspeed.
Accuracy approaches and spot landings.

(iii) Special Operations.

Soft-field takeoff and landing (jump takeoff if gyroplane has this capability).
Roll-on landing and full flare landing.
Short-field takeoff and power approach and landing.
Entry and recovery from high rates of descent with and without power (recovery to be completed not lower than 300 feet above the surface).

(iv) Emergencies.

Forced landings (single engine only) and simulated emergencies.
Emergency operation of gyroplane equipment.

(v) Cross-Country Flight.

Cross-country flight planning.
Cross-country flying.
Cross-country flying emergencies.
Use of radio aids to VFR navigation.
Two-way radio communication.

(4) Glider:

(i) Preflight operation.
(ii) Aircraft tow.
(iii) Auto or winch tow.
(iv) Stalls and slow flight.
(v) Accuracy 180° approaches and landings.
(vi) Spins. (The inspector may accept a logbook record of spin flight instruction in gliders or light airplanes in lieu of a demonstration. Such a record must indicate that the applicant has demonstrated satisfactory entries and recoveries from spins in both directions, and shall be certified by the flight instructor who conducted the flight instruction.)
(vii) Spirals.

(5) Instrument:

(i) IFR Flight Planning.

Preparing an IFR flight log.
Preparing and filing an instrument flight plan.
Evaluating aircraft performance, range, and fuel requirements.
Use and limitations of required instruments and equipment.

(ii) IFR Flight Maneuvers.

Straight and level flight.
Turns, climbs, and descents.
Maneuvering at approach speeds, and stalls.
Steep turns.
Recovery from unusual attitudes.

(iii) Engine-out Maneuvers. (If test is taken in multiengine airplane.)
(iv) En route Procedures.

Copy and read-back of instrument flight plans.
Radio navigation, VOR, ADF, or LF ranges.
Radio orientation.
IFR emergencies, including use of partial panel.

(v) Terminal Area Operation.

Holding procedures.
Missed approach procedure.
Use of radar vectors and DF steers.
Compliance with departure and approach control instructions.

(vi) Standard Instrument Approach to authorized minimums (not more than 500 feet and 1 mile).

ILS.
VOR.
ADF.
LF range.

§ 61.174 Flight instructor records.

Each certificated flight instructor shall—

(a) Sign each person's logbook for each period of flight instruction that he has given that person;

(b) Record the name of each person to whom he has given flight instruction or whose studen pilot certificate he has endorsed as well as the date and type of each flight instruction period or endorsement;

(c) Record the name of each person for whom he has signed a recommendation for a written or practical test under this part, the kind of tests, and the date of recommendation; and

(d) Keep each record required by paragraphs (b) and (c) of this section separately, or in his logbook, for at least 3 years.

§ 61.175 Flight instructor ratings on pilot certificates.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may be issued a flight instructor certificate if he passes the appropriate tests prescribed in § 61.173.

§ 61.176 Limited flight instructor certificates.

The holder of an expired limited flight instructor certificate may be issued a flight instructor certificate with the ratings previously held on his limited flight instructor certificate, if he passes the appropriate tests prescribed in § 61.173.

§ 61.177 Renewal of flight instructor certificates.

An applicant for the renewal of a flight instructor certificate must pass the practical test prescribed in § 61.173. However, if the applicant's certificate has not expired at the time application is made for renewal, the Administrator may, based upon the flight instruction record of the applicant, limit the test to those items that he finds are necessary to determine the continued competency of the applicant.

§ 61.178 Additional flight instructor ratings.

(a) The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

(1) Hold a pilot rating in that category of aircraft, or an instrument rating or airline transport pilot certificate, as appropriate to the rating sought; and

(2) Pass the written and practical tests prescribed by §§ 61.171(b) and 61.173.

(b) The holder of a flight instructor certificate issued under § 61.179(b) must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

§ 61.179 Special issue of a flight instructor certificate with a glider rating.

If the holder of a commercial pilot certificate with a glider rating shows the Administrator that he has given 2 hours of flight instruction, including at least 10 flights, as a commercial glider pilot within the 12 months immediately preceding the date of his application and before September 26, 1966, he is entitled to—

(a) A glider rating on his flight instructor certificate, if he holds a current flight instructor certificate; or

(b) A flight instructor certificate with a glider rating.

§ 61.180 Limitations.

(a) A certificated flight instructor may endorse a student pilot certificate for solo flight only if he determines that the holder has complied with section 61.63 or 61.71, as applicable, and is otherwise able to make solo flights.

(b) A certificated flight instructor may endorse a student pilot certificate for solo cross-country flight only if he determines that the holder has complied with section 61.65, 61.67, or 61.69, as applicable, and is otherwise able to make solo cross-country flights.

(c) A certificated flight instructor may endorse a student pilot certificate for solo flight in a different make or model of aircraft only if he determines that the holder can make solo flights safely in that aircraft.

(d) A certificated flight instructor may not authorize a student pilot to operate an aircraft in solo flight without first endorsing his student pilot certificate, unless it has previously been endorsed for that privilege by a certificated flight instructor.

(e) A certificated flight instructor may not give more than 8 hours of flight instruction a day nor more than 36 hours in any 7-day period.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on June 21, 1965.

N. E. Halaby,
Administrator.

[F.R. Doc. 65-6756; Filed, June 28, 1965; 8:45 a.m.]

[Docket No. 1186; Amdts. 23-1, 25-5, 43-2, 91-20]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

PART 91—GENERAL OPERATING AND FLIGHT RULES

Altimeter System Requirements

The purpose of this amendment to Parts 23, 25, 43, and 91 of the Federal Aviation Regulations is to increase safety and improve airspace utilization by revising design requirements dealing with airplane altimeter systems and by prescribing periodic inspections of systems installed in airplanes operating under IFR conditions. This action was published as a notice of proposed rule making (29 F.R. 3310) and circulated as notice 64-14 dated March 12, 1964.

The need for the amendment results from recognition that altimeter system accuracy depends on good system design and is adversely affected by operations at higher altitudes and at higher airspeeds. Further degradation of system accuracy occurs in service caused primarily by static pressure system leaks and by instruments that have deviated from their original calibrations.

Agency action to upgrade altimeter system accuracy began with notice of proposed rule making (27 F.R. 4340) circulated as Draft Release No. 62-22 dated April 27, 1962. Among other provisions, Draft Release 62-22 proposed that the accuracy of the altimeter system of each new type aircraft be determined by an in-flight calibration of a number of production aircraft, with further provisions for inservice checks of altimeter system performance. Because standard methods of calibration remained to be developed, and because the project scope indicated that the end result might best be achieved by increments in several separate rule making actions, Draft Re-

lease No. 62–22 was withdrawn as a notice of proposed rule making although it did state the Agency's long-range program to upgrade altimeter system performance. Notice No. 64–14, on which this amendment is predicated, accordingly was limited in scope to design and check of airplane static pressure systems and test of altimeters.

Subsequent to Notice No. 64–14, the Federal Aviation Agency recodification program was completed. As explained in the Notice, recodification has not altered the substance of the rules. CAR § 3.665 is now FAR § 23.1325; CAR § 4b.612(b) is now FAR § 25.1325; proposed CAR § 18.31 and a portion of proposed FAR § 91.170 have become FAR Part 43, Appendix E. The appropriate FAR identification will be used hereinafter.

In response to the notice of proposed rule making, the Agency received several comments objecting to the overall proposed changes. The main thrust of these unfavorable comments was that the new rules would impose costs disproportionate to resulting increases in reliability, utility, or safety and that the accident record of airplanes operated under the general operating rules did not justify the proposed changes.

The Agency must reject any contention that revised rules upgrading the accuracy of altimeter systems are unwarranted. Surveys have revealed that a high percentage of airplanes have leaky static pressure systems. Accident reports in certain instances have pointed to altimeter errors; in other unexplained accidents, errors in instruments dependent on static pressure source may not be ruled out as contributing causes. If increased safety and more effective airspace utilization are to be achieved, all airplanes operated in IFR conditions must meet the same altimeter system equipment installation standards to operate in controlled airspace.

The changes and comments relating to the various specific parts of the Federal Aviation Regulations are discussed in the following paragraphs.

FAR § 23.1325. The notice of proposed rule making provided that the influence of airplane characteristics not seriously affect the accuracy of instruments having static pressure connections, further specified certain static system design and installation details, required a system proof test, and made provision for countering icing conditions.

Section 23.1325(a) has been amended to specify that static pressure connections be vented so that external forces least affect instrument accuracy. This change relaxes the requirement of the notice and parallels the wording in the comparable section of Part 25.

One commentator would delete the system proof test on the grounds that it does not reveal errors caused by a poorly designed or located static source, and that, in any event, such small static leaks as it might divulge do not result in static system errors. The Agency, however, considers the proof test a necessary part of certification because, after the design is completed, system leakage becomes the major criterion which cannot be ignored until its effect is proven inconsequential.

Two commentators objected to proof testing the static pressure system in each production airplane. The rule, however, does not require test of each production airplane although that would be one way to demonstrate conformity to the approved type design. As suggested by another commentator, sample testing and production flight check could be another acceptable means of showing conformity if there were a showing of an adequate quality control system and compliance with the equipment function and installation requirements of § 23.1301.

The Agency does not concur with various comments recommending that it adopt the Air Force static system leakage rate at an arbitrary specified altitude with associated instruments disconnected. Since many static system leaks occur at instrument disconnect points, it is considered that a realistic test for Part 23 airplanes should be made with the instruments connected. Section 23.1325 (b)(2) has been amended, however, to allow a reasonable leakage loss tolerance with associated instruments connected at the airplane maximum operating altitude.

With regard to negating the effect of icing conditions, one commentator recommended deleting the requirement altogether in low-performance airplanes operating under VFR conditions. Two other commentators recommended that a protected alternate source of static pressure be allowed, while a fourth recommended use of an optional ice-free static pressure source of less accuracy where calibration is given the pilot.

Since static vent icing may occur during both VFR and IFR conditions with hazardous consequences, the Agency believes there is ample justification for anti-icing as a certification requirement on all airplanes employing a static pressure system for required instruments. In response to the comments, the proposed rule has been expanded to permit the use of an alternate static source having a prescribed accuracy tolerance, and, where needed, a correction card.

FAR § 25.1325. The notice of proposed rule making altered the existing rule in part by adding an anti-icing provision, by specifying certain installation and design details plus a system proof test, and by allowing an altimeter correction device bypass instead of an alternate altimeter system.

Several commentators contended that the proof test would be unrealistic because no tolerance was provided and it was unclear whether the specified test pressure referred to differential or absolute pressure. Further comments variously recommended adoption of military requirements for leakage rate with associated instruments disconnected, adoption of a 400-foot per minute rate at 40,000 feet, and adoption of different system tolerances for pressurized and unpressurized airplanes. The Agency agrees with the comments concerning tolerance and pressure ambiguity, and, accordingly, has amended the requirement for type certification to include proof test at a pressure differential corresponding to the certificated maximum operating altitude. The rule has been further amended to specify a reasonable maximum leak rate of 100 feet per minute with associated instruments connected. The Agency does not agree with the recommendation for different system tolerances for pressurized and unpressurized airplanes since an altimeter system must perform satisfactorily in the most critical range when the airplane pressurization system fails.

The Agency does not concur with the contention of one commentator that the notice is arbitrary in specifying that pressure remain unaltered when exposed to continuous and intermittent maximum icing conditions. An airplane is certificated for a certain severity of icing condition which applies to all required installations including the altimeter.

Further comments to the effect that automatic correction devices be required for high altitude—high speed airplanes and that correction cards be used where automatic correction devices are not available, were either beyond the scope of the notice or already covered by current functional and installational requirements.

It was suggested that the intent of the requirement for a correction device bypass or alternate systems be clarified. The Agency feels, however, that the objective of the requirement is adequately stated and that it would be impractical to be more specific in an attempt to cover all possible design features.

FAR Part 43, Appendix E. The notice of proposed rule making described new altimeter instrument tests for scale error, hysteresis, after effect, friction, case leak, position error, and barometric scale error.

In the interest of organizational unity, this appendix has been expanded to encompass the details of the static pressure system test and inspection as proposed in § 91.170 in addition to the altimeter instrument tests.

In response to several comments, the static pressure system leakage test has been amended to allow a leakage tolerance instead of the requirement that the system be leak free.

A number of commentators objected to the cost of upgrading altimeter standards and recommended that tests for scale error, hysteresis, and friction be limited to the maximum operating altitude of the airplane in which installed. The Agency concurs and the rule is amended accordingly.

One commentator suggested that all standard atmosphere data be taken from the same source. The Agency concurs and has used "U.S. Standard Atmosphere, 1962" as the sole source for altitude-pressure-tolerance values.

A comment contending that five test altitudes for low-performance airplanes is sufficient was not supported by any justification. Also a comment suggesting that test points be selected that fall precisely on the instrument 20-foot scale marks was considered unjustified since in normal test procedures, one quarter

of a scale division is not difficult to estimate.

The Agency agrees that the 12-hour rest period at 29.92 inches Hg is an unnecessary hardship and has deleted it as a preliminary requirement in the scale error test.

One commentator recommended deletion of tests for hysteresis, after effect, friction, position error, and barometric scale error since scale error and case leak tests are sufficient to determine if the altimeter should be returned to service. Another comment stated that the barometric scale error test was too extensive. The Agency concurs that the position error test is unnecessary and it has been deleted. Other relief has been afforded by changing specified test points in the hysteresis test and reducing the barometric scale error test to only eight test pressures. The tests for hysteresis, after effect, friction, and barometric scale error are considered essential for checking the quality of the instrument and its indicating accuracy consistency and, therefore, have not been deleted.

The Agency did not adopt a recommendation that the 20,000 feet per minute rate of pressure change for the scale error test be reduced since no justification was presented.

Several commentators suggested creating new classes or categories of altimeters for different altitude ranges, with less stringent test criteria for those operating at the lower altitudes. The Agency does not concur in these recommendations since, for IFR operation, altimeter system test standards must be the same for all airplanes regardless of altitude of operation or whether the airplane is pressurized.

The Agency agrees with a recommendation that the altimeter be vibrated to remove friction effect before taking test readings and has amended the test procedure accordingly. However, a further recommendation that the vibration frequency be specified, if adopted, would impose an unnecessary burden since the purpose of vibration is to eliminate errors due to friction within the instrument.

In reply to a comment pointing to the impracticality of conducting each altimeter test at 29.92 inches Hg and 25 degrees C, the final rule has been changed so as to delete the 29.92 inches Hg pressure requirement and to prescribe appropriate allowances to be made when test temperatures are substantially different from an ambient of 25 degrees C.

FAR § 91.170. The notice of proposed rule making proposed this new requirement to provide for repetitive checks of the static pressure system in all general aviation airplanes and of altimeter instruments installed in airplanes operating under IFR conditions other than those coming under Part 121.

The amended § 91.170 properly charges the operator with responsibility for insuring that the airplane has been tested and inspected prior to flight in IFR conditions. The specific static pressure system test requirements have been removed from this section and incorporated into Part 43, Appendix E in order that the complete altimeter system test and inspection procedure be contained under one appropriate heading.

Three commentators indicated some confusion between the proposed 2-year inspection and the periodic airworthiness inspection of § 91.169 for aircraft having dual altimeters. New § 91.170 has been reworded to delete reference to periodic inspections and emphasize that the biennial special altimeter system inspection is a requirement independent of the annual or 100-hour inspection required by § 91.169. The final rule also emphasizes that each static system of a dual system, as well as each altimeter instrument, is to be inspected.

Two commentators pointed to hardships due to a shortage of Class I instrument repair stations. It is the Agency's position, however, that the new inspection requirements impose no undue hardship on operators since the inspection interval is long, and operations may be scheduled to place airplanes at repair stations. In any event, only IFR operations would be curtailed should the required inspection not take place. Some relief is afforded in the final rule by permitting the altimeter tests to be made by an appropriately rated repair facility rather than a certificated Class I instrument rated repair station.

Several commentators recommended in effect that the rule be extended to prescribe accuracy tolerances and periodic accuracy checks of instruments used in VFR conditions. While the recommendations have merit, they go beyond the scope of present rule making. Under the current regulations, when VFR flight conditions prevail, collision avoidance is primarily dependent on visual means rather than vertical separation by altimeter information.

The final rule has been changed to provide for a § 91.170 compliance date 1 year from the effective date of the amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment. All relevant matter submitted has been fully considered.

In consideration of the foregoing, Parts 23, 25, 43, and 91 of the Federal Aviation Regulations are amended effective July 29, 1965, as set forth below.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on June 21, 1965.

N. E. HALABY,
Administrator.

1. Section 23.1325 is amended to read as follows:

§ 23.1325 Static pressure system.

(a) Each instrument provided with static pressure case connections must be so vented that the influence of airplane speed, the opening and closing of windows, airflow variations, moisture, or other foreign matter will least affect the accuracy of the instruments except as noted in paragraph (b)(3) of this section.

(b) If a static pressure system is necessary for the functioning of instruments, systems, or devices, it must comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The design and installation of a static pressure system must be such that—

(i) Positive drainage of moisture is provided;

(ii) Chafing of the tubing, and excessive distortion or restriction at bends in the tubing, is avoided; and

(iii) The materials used are durable, suitable for the purpose intended, and protected against corrosion.

(2) A proof test must be conducted to demonstrate the integrity of the static pressure system by evacuating the static pressure system until the pressure differential corresponds to that which would exist at the maximum altitude for which the airplane is type certificated, and by demonstrating that this pressure differential is maintained, without additional pumping for a period of 1 minute, with a loss not to exceed the equivalent of 100 feet of altitude.

(3) If a static pressure system is provided for any instrument, device, or system required by the operating rules of this chapter, each static pressure port must be designed or located in such manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the aircraft encounters icing conditions. An anti-icing means or an alternate source of static pressure may be used in showing compliance with this requirement. If the reading of the altimeter on the alternate static pressure system exceeds a 2 percent tolerance, a correction card may be used to show compliance with this requirement.

2. Section 25.1325 is amended by amending the catchline to read as follows, by amending paragraphs (b) and (c) to read as follows, and by adding a new paragraph (f) to read as follows:

§ 25.1325 Static pressure systems.

* * * * *

(b) Each static port must be designed and located in such manner that the static pressure system performance is least affected by airflow variation, or by moisture or other foreign matter, and that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not changed when the airplane is exposed to the continuous and intermittent maximum icing conditions defined in Appendix C of this part.

(c) The design and installation of the static pressure system must be such that—

(1) Positive drainage of moisture is provided; chafing of the tubing and excessive distortion or restriction at bends in the tubing is avoided; and the materials used are durable, suitable for the purpose intended, and protected against corrosion; and

(2) It is airtight except for the port into the atmosphere.

A proof test must be conducted to demonstrate the integrity of the static pressure system. The proof test must be performed by evacuating the static pres-

sure system until the pressure differential corresponds to the pressure differential that would exist at the maximum altitude for which the airplane is type certificated and by demonstrating that this pressure differential is maintained, without additional pumping, for a period of 1 minute with a loss not to exceed 100 feet.

* * * * *

(f) If an altimeter system is fitted with a device that provides corrections to the altimeter indication, the device must be designed and installed in such manner that it can be bypassed when it malfunctions, unless an alternate altimeter system is provided. Each correction device must be fitted with a means for indicating the occurrence of reasonably probable malfunctions, including power failure, to the flight crew. The indicating means must be effective for any cockpit lighting condition likely to occur.

3. Part 43 is amended by adding the following new appendix:

APPENDIX E

ALTIMETER SYSTEM TEST AND INSPECTION

Each person performing the altimeter system tests and inspections required by § 91.170 shall comply with the following:

(a) Static pressure system:

(1) Ensure freedom from entrapped moisture and restrictions.

(2) Determine that leakage is within the tolerances established in § 23.1325 or § 25.1325, whichever is applicable.

(3) Determine that the static port heater, if installed, is operative.

(4) Ensure that no alterations or deformations of the airframe surface have been made that would affect the relationship between air pressure in the static pressure system and true ambient static air pressure for any flight condition.

(b) Altimeter:

(1) Test by an appropriately rated repair facility in accordance with the following subparagraphs. Unless otherwise specified, each test for performance may be conducted with the instrument subjected to vibration. When tests are conducted with the temperature substantially different from ambient temperature of approximately 25 degrees C., allowance shall be made for the variation from the specified condition.

(i) *Scale error.* With the barometric pressure scale at 29.92 inches of mercury, the altimeter shall be subjected successively to pressures corresponding to the altitude specified in Table I up to the maximum normally expected operating altitude of the airplane in which the altimeter is to be installed. The reduction in pressure shall be made at a rate not in excess of 20,000 feet per minute to within approximately 2,000 feet of the test point. The test point shall be approached at a rate compatible with the test equipment. The altimeter shall be kept at the pressure corresponding to each test point for at least 1 minute, but not more than 10 minutes, before a reading is taken. The error at all test points must not exceed the tolerances specified in Table I.

(ii) *Hysteresis.* The hysteresis test shall begin not more than 15 minutes after the altimeter's initial exposure to the pressure corresponding to the upper limit of the scale error test prescribed in subparagraph (i); and while the altimeter is at this pressure, the hysteresis test shall commence. Pressure shall be increased at a rate simulating a descent in altitude at approximately (but not exceeding) 20,000 feet per minute until within 3,000 feet of the first test point (50 percent of maximum altitude). The test point shall then be approached at a rate of approximately 3,000 feet per minute. The altimeter shall be kept at this pressure for at least 5 minutes, but not more than 15 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until the pressure corresponding to the second test point (40 percent of maximum altitude) is reached. The altimeter shall be kept at this pressure for at least 1 minute, but not more than 10 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until atmospheric pressure is reached. The reading of the altimeter at either of the two test points shall not differ by more than the tolerance specified in Table II from the reading of the altimeter for the corresponding altitude recorded during the scale error test prescribed in subparagraph (i).

(iii) *After effect.* Not more than 5 minutes after the completion of the hysteresis test prescribed in subparagraph (ii), the reading of the altimeter (corrected for any change in atmospheric pressure) shall not differ from the original atmospheric pressure reading by more than the tolerance specified in Table II.

(iv) *Friction.* The altimeter shall be subjected to a steady rate of decrease of pressure approximating 750 feet per minute. At each altitude listed in Table III, the change in reading of the pointers after vibration shall not exceed the corresponding tolerance listed in Table III.

(v) *Case leak.* The leakage of the altimeter case, when the pressure within it corresponds to an altitude of 18,000 feet, shall not change the altimeter reading by more than the tolerance shown in Table II during an interval of 1 minute.

(vi) *Barometric scale error.* At constant atmospheric pressure, the barometric pressure scale shall be set at each of the pressures (falling within its range of adjustment) that are listed in Table IV, and shall cause the pointer to indicate the equivalent altitude difference shown in Table IV with a tolerance of 25 feet.

(2) Altimeters which are of the air data computer type with associated computing systems may be tested in parts, by major components, to specifications developed by the manufacturer and acceptable to the Administrator.

(c) Records: Comply with the provisions of § 43.9 of this chapter as to content, form, and designation of the records.

TABLE I

(Ref: U.S. Standard Atmosphere, 1962)

ALTITUDE V. PRESSURE

Altitude (feet)	Equivalent pressure (inches of mercury)	Tolerance (feet)
−1,000	31.02	±20
0	29.92	20
500	29.38	20
1,000	28.86	20
1,500	28.33	25
2,000	27.82	30
3,000	26.82	30
4,000	25.84	35
6,000	23.98	40
8,000	22.22	60
10,000	20.58	80
12,000	19.03	90
14,000	17.58	100
16,000	16.22	110
18,000	14.94	120
20,000	13.75	130
22,000	12.64	140
25,000	11.10	155
30,000	8.89	180
35,000	7.04	205
40,000	5.54	230
45,000	4.36	255
50,000	3.43	280

TABLE II

TEST TOLERANCES

Test	Tolerance (feet)
Case Leak Test	±100
Hysteresis Test:	
First Test Point (50 percent of maximum altitude)	75
Second Test Point (40 percent of maximum altitude)	75
After Effect Test	30

TABLE III

FRICTION

Altitude (feet)	Tolerance (feet)
1,000	±70
2,000	70
3,000	70
5,000	70
10,000	80
15,000	90
20,000	100
25,000	120
30,000	140
35,000	160
40,000	180
50,000	250

TABLE IV

PRESSURE-ALTITUDE DIFFERENCE

Pressure (inches of Hg)	Altitude difference (feet)
28.10	−1727
28.50	−1340
29.00	−863
29.50	−392
29.92	0
30.50	+531
30.90	+893
30.99	+974

4. Part 91 is amended as follows:

(a) Section 91.161(b) is amended by adding the reference "91.170" between the references "91.169" and "91.171."

(b) By adding the following new section after § 91.169:

§ 91.170 Altimeter system tests and inspections.

(a) No person may operate an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43. The altimeter must be tested by an appropriately rated repair station.

(b) Compliance with this section is not required until August 1, 1966.

[F.R. Doc. 65-6757; Filed, June 28, 1965; 8:45 a.m.]

[Docket No. 2073; Amdt. 37-2; Technical Standard Order C-63a]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Weather Radar Equipment

The purpose of this amendment is to incorporate new environmental test procedures, which were developed to be more compatible with existing and anticipated aircraft environmental conditions, into the present minimum performance standards for airborne weather radar equipment operating within the radio-frequency bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc. This amendment also revises the minimum performance standards to require a minimum range capa-

bility based on the cruising speed of the aircraft. This action was published as a notice of proposed rule making and circulated as FAA Notice No. 63-44 (28 F.R. 12669).

Interested persons have been given an opportunity to comment on this regulation and due consideration has been given to all relevant matter presented.

The title and applicability section of the TSO have been revised to delete the inadvertent inclusion of ground mapping radar that was in the notice. Also, the applicability section of the standard has been amended to show that these standards are only applicable with respect to air carrier aircraft. This has been done since only air carrier aircraft are required to have this equipment approved. This change is consistent with the change made to the final rule on TSO C-66a (DME).

Comments were received objecting to the proposed limits for emission of radio-frequency energy. The commentators felt that these more stringent limits would increase the weight and cost of the units and that the limitations in the existing TSO have proven to be adequate and have not caused interference problems. The proposed standards on emission of spurious radio-frequency energy were the result of a study to revise the standards on all electrical and electronic systems used in aircraft. It was recognized that the emissions of airborne electronic systems are additive and that the limitations on each should prevent the total effect of all systems on an aircraft from exceeding an acceptable limit. These standards, as established by the study, have been incorporated in six TSO's which have recently been revised. However, in further considering the proposal in the light of the comments received, the Agency has determined that it poses a special problem to manufacture weather radar equipment to the proposed specification and some relaxation is necessary. Accordingly, a change in § 2.14 has been made to allow a slight increase of the level of spurious radio-frequency energy. This slight increase in one system when added to the radiated energy from other equipment is not expected to seriously increase the overall energy level. This relaxation, however, cannot be allowed on other equipment as the additive effect of such a relaxation would cause a noise problem.

One commentator suggested that care be shown in keeping the minimum standards high and broad enough to insure reliability and maintainability. The Agency provides for reliability of equipment through conservative component ratings and by conducting prescribed tests which cover extremes of environment conditions. The prescribed performance standards are made sufficiently exacting so that designers will consider maintainability of the equipment when designing it. Further, manufacturers are required to submit installation instructions to the Agency, so that when followed the equipment will perform in service as well as required in the performance tests. The Agency believes this procedure includes everything reasonably possible for the establishment of minimum standards to insure reliability and maintainability.

Comments were made that the TSO only covers the "c" and "x" bands of radar, and the TSO should not preclude the use of "k" band radar. Similarly, commentators suggested the TSO be expanded to include the "k" band. The Agency agrees that the TSO should not preclude the use of "k" band radar, and it does not. The "k" band was not included in the notice since an adequate basis for such standards was not available at that time. The Agency agrees that standards for "k" band radar should be provided and such standards are under consideration.

A final source of comment was a suggestion that the range capability table be expanded to cover at least 200 miles. The range capability factor is based on aircraft operational cruising speeds so that a pilot can have sufficient time within which to detect and avoid dangerous atmospheric areas. The range capability has been designed to provide a minimum time of 12 minutes of warning at subsonic speeds. Eventually, with the advent of supersonic aircraft, an increase in the range will be necessary. However, at this time no change has been made.

In addition to the foregoing, certain editorial corrections have been made in the revised performance standards referred to in this TSO. They do not involve any change in substance.

In consideration of the foregoing, § 37.168 of Part 37 is amended to read as follows, effective September 27, 1965.

§ 37.168 Airborne weather radar equipment operating within the radio-frequency bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc.—TSO C-63a.

(a) *Applicability.* This TSO prescribes the minimum performance standards that airborne weather radar equipment, to be used on U.S. civil aircraft engaged in air carrier operations, must meet in order to be identified with the applicable TSO marking. New models of such equipment which are to be so identified and which are manufactured on or after September 27, 1965, must meet the requirements set forth in the FAA Standard entitled "Minimum Performance Standards for Airborne Weather Radar Equipment Operating Within the Radio-Frequency Bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc.", dated March 15, 1965,[1] and Federal Aviation Agency document, "Environmental Test Procedures for Airborne Electronic Equipment, dated August 31, 1962.[1]

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined which have categories established. These should be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories designated in the FAA document. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be identified.

(i) Temperature-Altitude Test Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio-Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test.

(2) Six classes of equipment based on range capability have been established in the FAA Standard under paragraph 2.4, Range Capability. The equipment shall be marked to indicate the distance range declared by the manufacturer.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other such as "Env. Cat. $\frac{A}{D}$BAAAX Class 3."

(4) Each separate component of equipment (antenna, synchronizer unit, indicator console, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

(Sec. 313(a) and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on June 22, 1965.

G. S. Moore,
Director, Flight Standards Service.

[F.R. Doc. 65-6762; Filed, June 28, 1965; 8:46 a.m.]

[Docket No. 6361; Amdt. 39-97]

PART 39—AIRWORTHINESS DIRECTIVES

United Data Control, Inc., Model F-542, Series Flight Data Recorders

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modifications to ensure containment of the magazine assembly within the frame of

[1] Copies may be obtained upon request addressed to Library Services Division, HQ-620, Federal Aviation Agency, Washington, D.C., 20553.

the recorder and to provide additional protection for the recording medium from crushing and puncturing forces on United Data Control, Inc., Model F-542, Series flight data recorders, was published in 29 F.R. 16430.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment opposed, in principle, the issuance of this airworthiness directive to impose design changes to an item meeting the requirements of a technical standard order. The Agency appreciates this viewpoint but accident investigation has been hampered by the mechanical and fire damage sustained by flight recorders during accidents. Accordingly, preparation of proposed revisions to the minimum performance standards of the TSO for flight recorders has been undertaken and this AD is necessary to correct the condition of flight recorders presently installed.

Comments expressed concern on availability of parts and stringency of the compliance time. The Agency has determined that the necessary parts will be available in sufficient time to enable operators to comply with this AD within 8 months after its effective date, rather than 6 months as proposed, and the AD has been changed accordingly.

As proposed the AD would have required modification of the flight recorder in accordance with United Data Control Service Bulletin No. 10, dated September 15, 1964. Subsequent to the issuance of the proposal, the manufacturer amended that service bulletin by removing from it the magazine latch modification and by changing the attachment of the armor plates which were to be added along the side of the magazine. The mounting was changed to anchoring at only one end to prevent distorting the casting and changing the calibration of the recorder. The magazine latch modification is now described in Service Bulletin No. 12 dated January 15, 1965, and the remainder of the changes are described in Service Bulletin No. 10A, dated January 12, 1965. These changes would require the use of stainless steel studs in place of binder head screws in mounting the armor plates to the casting. The Agency considers that the total effect of these changes is minor in nature and does not change the essential purposes of the notice of proposed rule making.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

UNITED DATA CONTROL, INC. Applies to United Data Control, Inc., Model F-542, Series Flight data recorders installed in aircraft as required by applicable operating rules.

Compliance required within 8 months' time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify all United Data Control, Inc., Model F-542, Series flight data recorders, Serial Number 1399 and prior, in accordance with UDC Service Bulletins 10, dated September 15, 1964, "A" Revision dated January 12, 1965, and 12 dated January 15, 1965, as follows:

(a) Install UDC armor plates 100275 and 100276 and blocks 100277 and 100279 and studs 100278 on the sides of the case.

(b) Replace the front panel assembly with a UDC P/N 100198 armored front panel assembly.

(c) Replace the magazine latch assembly with a UDC P/N 100168 magazine latch assembly.

(d) Remove the nameplate from the old door, and attach it to the new door.

This amendment becomes effective July 29, 1965.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6758; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension and Designation of Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Bryce Canyon, Utah, area.

A comprehensive review of the airspace requirements in the Bryce Canyon area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has disclosed that the retention of the control area extension with a floor of 700 feet above the surface is no longer required for air traffic control purposes.

Therefore, the Federal Aviation Agency has determined that it would be in the public interest and in keeping with the intent of CAR Amendments 60-21/60-29 to revoke the existing Bryce Canyon control area extension and designate in lieu thereof a transition area with a floor of 11,500 feet MSL. The transition area would provide the controlled airspace required for the protection of aircraft executing prescribed holding procedures for the Bryce Canyon VORTAC.

Since the changes effected by these amendments are less restrictive in nature than the present requirements and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendments may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (29 F.R. 17560), the Bryce Canyon, Utah, control area extension is revoked.

In § 71.181 (29 F.R. 17643), the following transition area is added:

BRYCE CANYON, UTAH

That airspace extending upward from 11,500 feet MSL within 7 miles NW and 10 miles SE of the Bryce Canyon VORTAC 240° and 060° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6759; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Designation of Reporting Point

On March 31, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4207) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 1, 6, 31, 34, 36, 106, 116, 126, 146, 153, 157, 164, 273, 433, 445, 467, 487, 489, and 802, and designate the Kingston, N.Y., low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it has been determined that utilization of the Hartford, Conn., 280° True radial in lieu of the 279° True radial in the realignment of V-433 would permit this airway to terminate at the centerline of the segment of V-58 designated between Hartford and Poughkeepsie, N.Y. In addition, the extension of V-292 as a common airway segment with V-489 from Sparta, N.J., to the Budd Lake, N.J., Intersection would provide a preferred route (V-292) from the Boston, Mass./Providence, R.I., terminals to the Budd Lake Intersection which is the inbound fix for traffic landing at Newark, N.J. Accordingly, action is taken herein to incorporate these amendments.

Since these amendments are essentially minor in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509, 30 F.R. 1189, 4121) is amended as follows:

a. In V-1 "Kennedy; INT of Kennedy 359° and Carmel, N.Y., 205° radials; Carmel; to Poughkeepsie, N.Y." is deleted and "to Kennedy." is substituted therefor.

b. In V-6 everything after "Selinsgrove, Pa.;" is deleted and "INT of Selinsgrove 087° and Allentown, Pa., 283° radials; Allentown; to Solberg, N.J. The airspace within R-4803 is excluded." is substituted therefor.

c. In V–31 ", including a W alternate from Selinsgrove to Elmira via INT of Selinsgrove 342° and Elmira 187° radials;" is deleted.

d. In V–34 "INT of Huguenot, N.Y., 046° and Carmel, N.Y., 295° radials;" is deleted.

e. In V–36 "Sparta, N.J., to Riverhead, N.Y." is deleted and "to Sparta, N.J." is substituted therefor.

f. In V–106 "Thornhurst, Pa.;" is deleted and "INT of Selinsgrove 067° and Thornhurst, Pa., 237° radials; Thornhurst;" is substituted therefor.

g. In V–116 "to INT of Sparta 112° and Carmel, N.Y., 232° radials." is deleted and "INT of Sparta 108° and La Guardia, N.Y., 338° radials; to La Guardia." is substituted therefor.

h. In V–126 "to Riverhead, N.Y." is deleted and "INT of Huguenot 102° and Carmel, N.Y., 274° radials; Carmel; to INT of Carmel 093° and Norwich, Conn., 227° radials." is substituted therefor.

i. In V–146 everything before "Putnam, Conn.;" is deleted and "From Poughkeepsie, N.Y., via" is substituted therefor, and "The airspace within R–4104 shall be used only after obtaining prior approval from appropriate authority." is deleted.

j. In V–153 everything before "Wilkes-Barre, Pa.;" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Stillwater;" is substituted therefor.

k. In V–157 "From La Guardia, N.Y., to the INT of La Guardia 034° and Hartford, Conn., 245° radials." is deleted.

l. In V–164 "INT of Williamsport 125° and East Texas, Pa., 321° radials;" is deleted and "INT of Williamsport 129° and East Texas, Pa., 315° radials;" is substituted therefor.

m. In V–273 "From Huguenot, N.Y., via" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Stillwater;" is substituted therefor.

n. In V–292 "From Sparta, N.J., via" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Sparta;" is substituted therefor.

o. In V–433 everything after "La Guardia;" is deleted and "INT of La Guardia 059° and Carmel, N.Y., 127° radials; Bridgeport, Conn.; to INT of Bridgeport 005° and Hartford, Conn., 280° radials." is substituted therefor.

p. V–445 is amended to read:

V–445 From La Guardia, N.Y., to INT of La Guardia 034° and Hartford, Conn., 245° radials.

q. V–467 is amended to read:

V–467 From La Guardia, N.Y., to Madison, Conn.

r. In V–487 "From Poughkeepsie, N.Y., via" is deleted and "From INT of La Guardia, N.Y., 034° and Carmel, N.Y., 188° radials via Carmel; Poughkeepsie, N.Y.;" is substituted therefor.

s. In V–489 everything before "Kingston, N.Y.;" is deleted and "From INT Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Sparta;" is substituted therefor and "The airspace within R–5206 shall be used only after obtaining prior approval from appropriate authority." is deleted.

t. In V–802 "INT of Selinsgrove 083° and Ravine 040° radials; Allentown, Pa.;" is deleted and "Selinsgrove 087° and Allentown, Pa., 283° radials; Allentown;" is substituted therefor.

2. Section 71.203 (29 F.R. 17711) is amended by adding the following: "Kingston, N.Y."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 23, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6760; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WE–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2682) stating that the Federal Aviation Agency proposed to alter VOR Federal airways Nos. 26 and 187 in the vicinity of Vernal, Utah.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it has been determined that the airspace between the main and the alternate segments of V–187 between Grand Junction, Colo., and Rock Springs, Wyo., is not required for air traffic control. Since release of this airspace will reduce the burden upon the public, notice and public procedure on this change is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4670, 6113) is amended as follows:

a. In V–26 "From Myton, Utah, via Cherokee, Wyo.;" is deleted and "From Myton, Utah, 79 MSL, via Vernal, Utah; 19 miles 12 AGL, 105 MSL Cherokee, Wyo.;" is substituted therefor.

b. In V–187 "Rock Springs, Wyo.;" is deleted and "Rock Springs, Wyo., including a W alternate from Grand Junction, 45 miles 103 MSL, 59 miles 85 MSL, 12 AGL Vernal, Utah; 15 miles 12 AGL, 110 MSL Rock Springs, Wyo. (excluding the airspace between the main segment and this alternate airway);" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 23, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6761; Filed, June 28, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56432]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 25—CUSTOMS BONDS

Coffee Imports and Exports

The following regulations are promulgated under the authority conferred upon the President by section 2, subsections (1) and (2) of the International Coffee Agreement Act of 1965 (Public Law 89–23, 79 Stat. 112) which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated June 14, 1965 (30 F.R. 7741).

The regulations will prescribe procedures for the entry for consumption or withdrawal from warehouse for consumption of coffee imported from countries which are members of the International Coffee Organization and procedures to be followed in connection with the export or reexport of coffee from the United States.

1. Part 12 is amended by adding a new center head and section as follows:

IMPORTS AND EXPORTS UNDER INTERNATIONAL COFFEE AGREEMENT

§ 12.70 Regulations prescribed under the International Coffee Agreement Act of 1965.

(a) *Effective date.* The regulations in this section shall apply to coffee exported on and after July 1, 1965, from a country which is a member of the International Coffee Agreement of 1962 (14 UST 1911) and shall continue in effect during all times that the International Coffee Agreement and the International Coffee Agreement Act of 1965 (79 Stat. 112) remain in force and effect.

(b) *Certificate of origin and reexport.* No coffee imported from a country which is a member of the International Coffee Agreement of 1962 shall be admitted to entry for consumption in the customs territory of the United States unless there is presented for such coffee a valid certificate of origin or certificate of reexport prescribed under the Agreement, or unless a bond for the production of a proper certificate is filed as provided in paragraph (d) of this section. No coffee shall be exported from the United States unless there has been issued for each such shipment for which a certificate is required under the Agreement a certificate of reexport on customs Form 4469. A certificate of origin or reexport shall not be required for shipments of coffee proceeding through the United States on a through bill of lading nor for coffee entered for consumption in or reexported to Puerto Rico.

(c) *Entry at more than one port.* When portions of a single shipment requiring a certificate of origin or certificate of reexport are entered at different ports, the certificate of origin or reexport shall be surrendered to customs at the first port where a portion of the

shipment is entered. The importer or his agent may request the collector at that port to prepare and certify a certificate substantially in the form set out below to be presented to customs at succeeding ports where coffee is to be entered:

(Certificate of Origin) (Certificate of Reexport) issued by _____, (Name of country) Reference No. _____ covering _____ of (Quantity of coffee) _____, was filed at _____ (Kind of coffee) (Name of port) with entry No. _____ dated _____, covering _____ of _____. (Quantity of coffee) (Kind of coffee)

Certified correct _____, 19__.

_____
(Importer or his agent)

_____
(Collector of Customs)

This certificate shall be prepared in duplicate. The original shall be returned to the importer or his agent and may be presented to customs at succeeding ports in lieu of a certificate of origin or certificate of reexport provided the amount of coffee entered at succeeding ports does not exceed the difference between the amount shown on the original certificate of origin or reexport and the amount of coffee entered at preceding ports. If portions of a shipment are to be entered at more than two ports the certificate shall not be taken up until the last portion of the shipment is entered. The certificate shall be noted by customs at each port where a portion of the shipment is entered to show the amount of coffee entered at that port.

(d) *Acceptance of shipment without certificates of origin and reexport; bond.* If a certificate of origin or reexport is not available at the time of entry, the entry shall be accepted only if (1) the collector is satisfied that the failure to produce the required certificate is due to a cause beyond the control of the person for whom the entry is tendered, and (2) such person or his agent gives a bond on customs Forms 7551, 7553, or 7595 for the production of the required certificate. The amount of the bond shall be $5,000 or an amount equivalent to the estimated value of the coffee involved, whichever is lower, unless a larger amount is deemed necessary to insure compliance with these regulations. If a certificate in the required form is not produced within 3 months of the date of entry, liquidated damages in the full amount of the bond shall be assessed. Such liquidated damages may be cancelled upon the payment of a lesser amount to be determined by the Bureau if the importer produces satisfactory evidence that the shipment was authorized in accordance with the International Coffee Agreement, or that the failure to produce a certificate was not due to negligence or lack of good faith on the part of any party to the transaction. (Sec. 623, 46 Stat. 759, Sec. 2, 79 Stat. 112; 19 U.S.C. 1623, P.L. 89-23.)

2. To add certificates of origin and reexport required under the International Coffee Agreement to the list of documents excepted from the provision for treating any bond charge for the production of a missing document as satisfied upon payment of the sum of $25 as liquidated damages, § 25.17(a) is amended to read as follows:

§ 25.17 Nonproduction of documents; failure to redeliver packages; sums to be collected.

* * * * *

(a) Collectors of customs are hereby authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the principal or surety of the sum of $25 as liquidated damages for each missing declaration of the consignee or other document, except shippers' export declarations, special customs and commercial invoices, and certificates of origin and certificates of reexport required under § 12.70 of this chapter, not produced within the time prescribed by law or regulations or any lawful extension of such time.

* * * * *

(Secs. 623, 624, 46 Stat. 679, as amended; 19 U.S.C. 1623, 1624)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 22, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6854; Filed, June 28, 1965; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline; Tolerances for Residues

A petition was filed (PP 5FO434) with the Food and Drug Administration by The Upjohn Co., Kalamazoo, Mich., 49001, proposing the establishment of tolerances for residues of the fungicide 2,6-dichloro-4-nitroaniline.

After this petition was filed, the petitioner submitted a report of a completed reproduction study in rats to remove a deficiency cited in the notice of filing (30 F.R. 3723; March 20, 1965), and some of the tolerance levels originally requested were also changed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as set forth below:

§ 120.3 [Amended]

1. By adding to § 120.3 *Tolerances for related pesticide chemicals*, in paragraph (e)(4), after the item 1,1-Dichloro-2,2-bis(*p*-ethylphenyl)ethane the new item:

2,6-Dichloro-4-nitroaniline.

2. By adding to Subpart C the following new section:

§ 120.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

Tolerances for residues of the fungicide 2,6-dichloro-4-nitroaniline are established as follows:

20 parts per million in or on apricots, nectarines, peaches (from preharvest and postharvest application), sweet cherries (from preharvest and postharvest application), snap beans.

15 parts per million in or on strawberries.

10 parts per million in or on grapes, lettuce, sweetpotatoes (from postharvest application).

5 parts per million in or on garlic, onions, tomatoes.

Unless otherwise specified, the tolerances prescribed in this section provide for residues from preharvest application only.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 23, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6785; Filed, June 28, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1745) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by the addition of a new substance, in alphabetical sequence, to the list "Components of Adhesives", as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	Substances and limitations
* * * * *	
Polyester resin prepared from 2,2-dimethyl-1, 3-propanediol and tetrahydrophthalic acid.	
* * * * *	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 22, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6786; Filed, June 28, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1718) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of styrene-maleic anhydride copolymers in food-contact coatings for paper and paperboard intended for use in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2526(b)(2) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	
Styrene-maleic anhydride copolymers.	For use only as a coating or component of coatings and limited for use at a level not to exceed 2 percent by weight of paper or paperboard substrate.
* * *	
* * * * * * *	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 22, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6787; Filed, June 28, 1965; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 251—LICENSED INDIAN TRADERS

Application for License and License Period

On March 18, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3598) stating that the Bureau of Indian Affairs was considering amendments to Part 251 of the Code of Federal Regulations, Title 25, Indians, that would (1) eliminate the requirement that licensed traders furnish a bond, (2) conform the license period to the period of the lease or permit held by the trader on Indian land, (3) add a fee of $5.00 for the issuance of a license, and (4) require licenses for itinerant peddlers.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, suggestions, or objections. No comments, suggestions, or objections were received within the 30-day period. In consideration of the foregoing, Part 251, Licensed Indian Traders, is amended as set out below, by amending §§ 251.9 and 251.11 and deleting § 251.10, effective on the date of publication of this notice in the FEDERAL REGISTER.

Sections 251.9 and 251.11 are amended to read as follows:

§ 251.9 Application for license.

(a) Application for license must be made in writing on Form 5-052, setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof; the place where it is proposed to carry on the trade; the capital to be invested; the names of the clerks to be employed; and the business experience of the applicant. The application must be forwarded through the Superintendent to the Commissioner of Indian Affairs, accompanied by two satisfactory testimonials on Form 2-077 as to the character of the applicant and his employees and their fitness to be in the Indian country, and by an affidavit of the Superintendent on Form 5-053 that neither he nor any person for him has any interest, direct or in-

direct, present or prospective, in the proposed business or the profits arising therefrom, and that no arrangement for any benefit to himself or to any other person on his behalf is contemplated in case the license is granted. Licensed traders will be held responsible for the conduct of their employees.

(b) Itinerant peddlers or purveyors of foodstuffs and other merchandise shall be considered as traders and shall obtain a license or permit from the Superintendent setting forth the class of trade or peddling to be carried on, furnishing such character or credit references, or both, as may be required by the Superintendent. The period of the license for such itinerant peddlers shall be determined by the Superintendent.

(c) When a license or permit to trade is issued under the regulations in this Part 251, a fee of $5.00, payable when the license is issued, shall be levied against the licensee.

§ 251.10 [Deleted]

Section 251.10 *Bond requirements* is deleted in its entirety.

§ 251.11 License period.

Licenses to trade shall not be issued unless the proposed licensee has a right to the use of the land on which the business is to be conducted. The license period shall correspond to the period of the lease or permit held by the licensee on restricted Indian land, except that where the proposed licensee is the owner or beneficial owner or holds a use right to the land on which the business is to be conducted, the license period shall be fixed by the Commissioner of Indian Affairs or his authorized representative, but in no case shall the license period exceed 25 years.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 23, 1965.

[F.R. Doc. 65-6778; Filed, June 28, 1965; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. S-8]

PART 221—TIMBER

Advertisements and Bids

In Part 221 of Title 36, Code of Federal Regulations, paragraph (a) of § 221.8 *Advertisements and bids* is amended to read as follows:

§ 221.8 Advertisements and bids.

(a) Except as otherwise provided, each sale in which the appraised value of the timber or other forest products exceeds $2,000 will be made only after advertisement for a period of 30 days or, if in the opinion of the officer authorizing the sale, the quantity, value, or other conditions justify, a longer period; and any sale of smaller appraised value will be advertised or informal bids solicited from possible purchasers if, in the judgment of the officer authorizing the sale, such action is deemed advisable.

When the Chief, Forest Service, determines that the sale of timber will assist in the reconstruction of any area of California, Oregon, Nevada, and Idaho damaged by flood or high waters during December 1964, and January and February 1965, the period of advertisement may be reduced to not less than 7 days. Such reduced advertising period shall not be used for sales scheduled for bidding after June 30, 1966.

* * * * *

(30 Stat. 35, as amended, 16 U.S.C. 476, 551. Interprets or applies sec. 3(d) of Public Law 89-41)

Done at Washington, D.C., this 24th day of June 1965.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-6810; Filed, June 28, 1965; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 104—ADMINISTRATION OF VOCATIONAL EDUCATION; FEDERAL ALLOTMENTS TO STATES

Miscellaneous Amendments

Part 104 of Title 45 of the Code of Federal Regulations, dealing with programs of vocational education administered by State boards for vocational education under the Smith-Hughes, George-Barden, and supplementary Acts as amended and under the Vocational Educational Act of 1963, is amended by the provisions contained in the following paragraphs. These amendments are effective as of August 21, 1964, the date on which Part 104 was approved. State plan amendments in conformity with these amendments to the regulations may, at the option of the State, be made effective as of the effective date of the State plan, or any other date thereafter.

1. Subparagraph (1) of § 104.13(a) is amended to read as follows:

§ 104.13 Programs for vocational instruction.

* * * * *

(a) *Arrangements for instruction.*

(1) Such instruction will be provided either (i) with respect to funds provided under all the acts, by the State board or local educational agency in schools and classes conducted under public supervision and control meeting the criteria of subparagraph (2) of this paragraph, or (ii) with respect to funds provided under the 1963 Act, under contract with the State board or a local educational agency.

* * * * *

2. Paragraph (e) of § 104.25 is amended to read as follows:

§ 104.25 Requirements of work-study program.

The State plan shall provide that a work-study program meet the following requirements:

* * * * *

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the 3 fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

* * * * *

3. Section 104.29 is amended to read as follows:

§ 104.29 Date of allowable expenditures.

Since the Federal Government participates only in amounts expended under the State plan, Federal financial participation shall be available only for expenditures which are made after the effective date of the State plan (as defined in § 104.2(a)), except as provided with respect to work-study programs in § 104.45(b).

4. Section 104.30 is revised to read as follows:

§ 104.30 Allotment availability.

Federal funds allotted or reallotted to a State under the acts shall be available only for expenditures for program activities or construction projects which are carried on under the plan and which are attributable to the fiscal year for which such allotments or reallotments are made. (See § 104.33.)

5. Section 104.33 is amended to read as follows:

§ 104.33 Determination of fiscal year's allotment to which expenditure is chargeable.

(a) Each allotment or reallotment to a State under the acts is made with respect to a fiscal year commencing on July 1 and ending the following June 30.

(b) For the purpose of earning the Federal allotments under the acts, State and local laws and regulations shall be followed by the State in determining to which Federal fiscal year an expenditure by the State board, local educational agency, or other participating agency or institution is chargeable, except as provided in paragraphs (c), (d), and the last sentence in this paragraph. Each State shall therefore use the accounting basis applicable to its State or local accounting. The State plan shall specify for State and local expenditures the particular accounting basis to be so used indicating precisely the acts or occurrences necessary to charge an expenditure to a particular time period for States or local purposes, and cite the authority under State law for such a basis. If the State or local educational agencies utilize a basis other than a cash accounting

basis, the State plan shall indicate the time period or other factors governing the liquidation of obligations. In order for the State or local educational agencies to be on an obligation basis, an obligation shall mean only a bona fide commitment which is supported by a contract or other evidence of legal liability consistant with State purchasing procedures.

(c) For the purpose of the regulations of this part, an "expenditure" shall not include administrative approval of a program or project by the State board or local educational agency, or the advance or reimbursement by the State board of funds which are or will be expended by a local educational agency or other participating agency or institution under the State plan. None of such actions may be used as a basis for determining to which Federal fiscal year an expenditure by such board, agency, or institution is chargeable for the purpose of earning the Federal allotment, except as provided in paragraph (d) with respect to construction projects and paragraph (e) with respect to work-study programs.

(d) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the State plan shall specify the basis for charging costs of construction to a Federal fiscal year which indicates precisely the acts or occurrences necessary to charge such costs to a particular time or time period and which is not in conflict with State and local laws, rules, regulations, and standards. (See § 104.31.) If such a basis results in charging the costs of construction to a date prior to that of entering into a construction contract, the State plan shall also indicate within what reasonable period of time after the date of charging the Federal allotment such construction contract must be entered into.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, expenditures for special summer work-study projects shall be charged to the allotment under section 13 of the Act for the fiscal year in which such projects have been approved for expenditure during the months of July and August immediately following such fiscal year.

6. Subparagraph (3) of § 104.42(c) is amended to read as follows:

§ 104.42 Matching purposes within specific allotments of Federal funds.

* * * * *

(c) *Allotments under Smith-Hughes and George-Barden Acts.* * * *

(3) Funds allocated by the States under the Smith-Hughes Act for salaries of teachers of home economics subjects pursuant to subparagraph (1)(i) of this paragraph, and funds allotted to the States under section 3(b) of the George-Barden Act for vocational education in home economics may be allocated by the States to each of the matching purposes specified in § 104.41(d) (2) and (3) and (e) (3) and (4), provided that in each fiscal year beginning after June 30, 1965, at least 10 percent of such allocations or allotments may be used only for home economics for gainful employment as specified in § 104.41(d) (2) and (e) (3).

Dated: June 17, 1965.

[SEAL] HENRY LOOMIS,
Acting U.S. Commissioner of Education.

Approved: June 23, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-6789; Filed, June 28, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 946; Amdt. 2]

PART 95—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Certain Trackage of Southern Pacific Co.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D., 1965.

Upon further consideration of Revised Service Order No. 946 (28 F.R. 11735, 12256, 29 F.R. 7425, 18426) and good cause appearing therefor:

It is ordered, That § 95.946 The St. Louis-San Francisco Railway Co. authorized to operate over certain trackage of the Southern Pacific Co. (formerly T&NO) of Service Order No. 946, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6792; Filed, June 28, 1965; 8:48 a.m.]

[S.O. 948; Amdt. 3]

PART 95—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D. 1965.

Upon further consideration of Service Order No. 948 (29 F.R. 564, 5757, 18426) and good cause appearing therefor:

It is ordered, That § 95.948 The Chicago, Rock Island and Pacific Railroad Co. authorized to operate over trackage of Union Pacific Railroad, of Service Order No. 948, be and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6793; Filed, June 28, 1965; 8:48 a.m.]

[S.O. 949; Amdt. 3]

PART 95—CAR SERVICE

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D., 1965.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757, 18427) and good cause appearing therefor:

It is ordered, That § 95.949 *The Atchison, Topeka & Santa Fe Railway Co. authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 949, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15: interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6794; Filed, June 28, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16-A9]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Marketing Agreement and Order

Pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851–855) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Administrator, Agricultural Research Service, U.S. Department of Agriculture, with respect to proposed amendment to the marketing agreement, as amended, and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the close of business on the 30th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Preliminary statement. The hearing on the record on which the proposed amendment, as hereinafter set forth, to the marketing agreement and the order, as amended, was conducted at Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER on February 9, 1965 (30 F.R. 1816).

The material issues on the record of the hearing relate to:

1. Revision of price filing requirements of the marketing agreement and order to prevent undue and excessive fluctuations in the market prices of the regulated products.

2. Initial price filing by new handlers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. The Marketing Agreement and Order should be amended to require that each handler's filed price list remain in effect at least 30 days, and to limit the extent a posted price, including discount, may be changed to a maximum of 10 percent with each new price list filed.

The declared purposes of the act, under which the marketing agreement and order were issued, is to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus (hereinafter sometimes referred to as "serum," "virus," "vaccine," or "products") by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing.

Undue and excessive fluctuations became a major problem in the industry in 1964 when a combination of unforeseen events resulted in a series of fluctuations in the market prices and supplies of the regulated products which, in turn, adversely affected the production, marketing, and distribution processes necessary to effectuate the purposes of the Act. Such occurrences present economic problems of serious nature and concern to this industry, tend to discourage the maintenance of adequate supplies of serum and virus, and are contrary to the public interest.

The problem arose in early 1964, when considerable publicity was given the hog-cholera eradication program which stressed the importance of vaccination, and manufacturers were encouraged to produce more serum and virus, and wholesalers were encouraged to stock larger quantities of these immunizing products. As the eradication program progressed and the incidence of hog cholera diminished, vaccination of hogs decreased, and various State laws and regulations were promulgated to modify the types of vaccination approved or permitted. These factors resulted in some handlers having an oversupply of hog-cholera products, and their efforts to reduce such stocks led to a series of undue and excessive fluctuations in the market prices of such products. The matter was compounded by the fact other handlers were soon forced to adopt similar price changes in order to dispose of their inventories of hog-cholera products before the products became outdated.

The greatest fluctuations in market prices of these products occurred during the last 6 months of 1964. During this period there was a marked increase in number of new price lists filed and these frequently were accompanied with wide, and sometimes violent, swings in market prices.

As an example of the recent price fluctuations, one exhibit introduced into evidence at the hearing disclosed that a firm made five price changes between October 10, 1964, and November 6, 1964, for vaccine which must be used with serum. On October 10, the filed price of this vaccine was decreased 17 percent. On October 16, the filed price of this vaccine was again decreased 55 percent. On October 25, the filed price of this vaccine was increased 178 percent. On October 29, the filed price of this vaccine was again decreased 64 percent and on November 6, the filed price was increased 100 percent. While this instance is extreme, there are others showing as many fluctuations to a lesser degree. The present marketing agreement and order do not prevent a handler from making such changes in his posted prices other than to require that a handler's new price list remain on file in the office of the Control Agency for 3 days before it becomes effective, thus assuring that a price list will be in effect at least 3 days before a new list may be filed.

Price lists filed by handlers in 1962 numbered 375, and averaged 31 per month, and in 1963, the new price lists filed numbered 300 or an average of 25 per month. From January 1, 1964, to June 30, 1964, 174 new price lists were filed, or an average of 29 per month. It appears, therefore, that the normal number of new price lists filed for a 2½-year period ranged from 25 to 31 new price lists per month. However, during the last 6 months of 1964, 660 new price lists were filed or an average of 110 per month. If the month of December 1964 is excluded, the average number of new price lists for 5 months becomes 124. Thus, during the period of greatest fluctuations, the number of price filings were approximately 4 to 5 times more than normal. (Official notice was taken of all price lists filed since 1961.)

Such fluctuations are undesirable because they disrupt orderly marketing and distribution methods and lead directly to unstabilized market conditions with consequential fluctuations in supplies of serum and virus. All classes of handlers are affected.

The record also reflects that such fluctuations adversely affect and tend to deter the usual stocking by manufacturer and wholesaler handlers of the large inventories generally necessary to meet the normal and unexpected demands of the industry, especially since such fluctuations negate the economic incentive back of carrying these inventories.

Additionally, there is no indication that the ultimate user (owners of swine) received any benefit from these fluctuations. Usually, benefits from lower prices are not passed on to consumers until a price has been stabilized for a reasonable period of time.

Manufacturing of serum and virus is carried on under license, regulation, and supervision of the Agricultural Research Service of the U.S. Department of Agriculture pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913[1] (of which official notice is taken), which prescribe the general conditions and methods of manufacture, and establish minimum requirements for quality.

[1] 37 Stat. 832, 21 U.S.C. 151–158.

Since the regulations and minimum requirements for all licensees are uniform, there is a high degree of uniformity of quality in the finished product which enters the market, and operational efficiency rather than individual characteristics and merit of the product is a major factor in the establishment of market prices. Therefore, when price fluctuations occur in the market, it becomes necessary for producers and other handlers to meet this competitive situation. It is the history of this industry that the lowest price in the market eventually determines the general price level to each buyer classification.

The original promulgation record (hearing of January 13 and 14, 1936, Omaha, Nebr., of which official notice was taken) and the record of this hearing contain adequate evidence that price stability, orderly marketing and distribution, and the maintenance of adequate supplies of serum and virus are interdependent. Instability of one directly influences fluctuations and instability in the others. Some important industry problems associated with such price fluctuations include the question of desirability of further production, permitting of stocks to deplete, handlers' reluctance to maintain stocks, difficulties in planning production because of abnormal purchases, inability to anticipate market requirements, and overstocking by some handlers and dealers which results in large inventories outside normal channels. Also, as these products are perishable, all have an expiration date and, therefore, overstocking may result in the use of inferior or worthless products, to the detriment of the products and the swine industry.

It is recognized that some fluctuations in prices are necessary. A handler must be permitted to increase or decrease prices to compensate for cost of production and distribution and to obtain a reasonable profit. At the same time it is recognized that if market stability is to be maintained these fluctuations must be reasonable.

The record in this hearing indicates that from the time the marketing agreement and order became effective in 1936, until 1963–64, there was reasonable stability in market prices in this industry; that during this period of nearly 30 years average industry market prices for such products did not fluctuate more than 10 percent per month.

Both manufacturer and wholesaler handlers testified in support of the proposed amendment and asserted that if undue and excessive fluctuations in market prices continued, production would be curtailed, or perhaps even discontinued by some producers, and wholesalers' stocks will become depleted to such an extent it will no longer be possible to insure the maintenance of adequate supplies of serum and virus readily available to swine owners. The handlers also testified that, in their opinion, the proposed amendment would not in any way inhibit or deter the entry of a new business entity into this industry.

No one appeared or gave testimony in opposition to the proposed amendment.

The amendment will have a stabilizing effect on market prices and supplies, with a consequent improvement of competitive positions among all classes of handlers, thereby aiding in the assurance of an adequate supply and maximum availability of serum and virus to the farmer, which is in the public interest and tends to effectuate the declared policy of the Act. It will discourage price changes of serum or virus which have no justification economically. It will also prevent unwarranted price changes such as those which occurred in 1964, where, for example, a price was decreased by 55 percent and very shortly thereafter raised by 178 percent, computed on the posted price effective at the time the change was made.

Each filed price list will be required to remain in effect for at least 30 days. After a price list has been in effect for 30 days, a new price list may be filed but the price, including discount, for each product to each class of buyer may not be increased or decreased more than 10 percent from the price for that product as set forth in the handler's price list which is in effect at that time. To avoid obvious evasion of this 30-day provision, a handler who completely discontinues or withdraws an effective price list without filing a new price list to be effective at the same time, shall not file a new price list for a period of at least 30 days thereafter, but such handler shall not be precluded from reinstating such previously filed price list within the 30-day period; and the reinstated price list shall remain in effect for at least 30 days after the effective date of reinstatement before a new price list may be filed by the handler.

Also, it is recognized that a price filing which effects the maximum reduction of 10 percent in a posted price of a product will necessitate the filing of more than one price increase in the posted price of the product to offset such price reduction and reestablish (or increase) the previous effective posted price.

The caption of the amendment has been modified and will more nearly reflect the contents contained in the amendment. The amendment has been paragraphed for purposes of clarity, in accordance with request of the proponents.

Several witnesses who appeared expressed concern for an orderly transition into effect of such an amendment, if it is approved in due course, and noted for the attention of the Secretary that as the proposed amendment provides that price lists shall remain in effect for at least 30 days, it is possible an effort might be made by a handler to obtain a particularly favorable price filing just prior to the effective date of the amendment, which would give the handler a special competitive advantage over other handlers. During the hearing several methods for preventing such a situation were suggested for consideration by the Secretary but no specific proposal was proffered.

Each method suggested would require the Secretary to establish or fix the initial price or range of prices that would be effective during the intial 30-day period the amendment was operative. However, the act authorizing establishment of this marketing agreement and order does not grant the Secretary the authority to fix prices.

The marketing agreement and order do, however, give the Secretary authority to suspend, pending investigation, any price list, term of sale or discount, in whole or in part, if he has reason to believe such price list, term of sale or discount is inequitable to consumers or handlers by reason of the fact it may cause immediate injury by impeding the carrying out of this order or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemption from the antitrust laws. If the Secretary finds, after an investigation and opportunity to be heard is afforded the handler whose price filing is questioned, that such price list, term of sale or discount, in whole or in part, is inequitable as measured by the standards set out in that section of the order, the Secretary may declare the filed price list to be ineffective (9 CFR 131.56).

It would therefore appear that in the event a handler should file a price or price list just prior to the effective date of the proposed amendment which would be in conflict with the standards contained in § 131.56 of the order (9 CFR 131.56) such price or price list may be subject to being suspended or being declared ineffective, pursuant to the provisions of § 131.56 of the order (9 CFR 131.56).

2. Initial price filing by new handlers. During the hearing the question was raised with respect to including a provision to assure that the initial prices filed by a new handler in the industry would not be disruptive but reasonably aligned with his competitors. Testimony concerning the matter is limited.

The situation to which the question relates and the appurtenant problems which might be expected to arise would appear to be similar in nature to the situation hereinbefore discussed concerning price filings just prior to the effective date of the amendment proposed herein, and the aforementioned standards in § 131.56 of the order (9 CFR 131.56) would appear equally applicable to price filings by new handlers. However, as no specific proposal was made to modify the proposed amendment with respect to regulation of price filings by new handlers, additional discussion is unnecessary and the matter will not be considered further herein.

Rulings on proposed findings and conclusions. One brief supporting the amendment was received on behalf of the Control Agency. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of

the aforesaid marketing agreement and order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Recommended amendments to the marketing agreement and order, as amended. The following proposed amendment to the marketing agreement, as amended, and order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The regulatory provisions of the said agreement are identical with those contained in the following order.

Delete § 131.52 and substitute therefor the following:

§ 131.52 Price lists, effective date, new price lists.

(a) Each price list, including discounts and terms of sale, filed by a manufacturer or wholesaler handler shall be filed in the office of the Control Agency only during the designated business hours of such office. Each such price list shall, subject to the limitations set forth in § 131.54, only become effective after such price list has been on file in the office of the Control Agency for 3 days, and such price list shall remain in effect for at least 30 days thereafter.

(b) After a price list has been in effect for at least 30 days, a new price list, including discounts and terms of sale, may be filed: *Provided, however,* That the price, including discount, for each product for each classification of buyer set forth in the new price list shall not be decreased or increased more than 10 percent from the price for that product, including discount, for such classification of buyer as set forth in the handler's currently effective price list for that classification of buyer. A handler shall not file more than one price list within any 30-day period, and should an effective price list be discontinued or withdrawn, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed by such handler for a period of at least 30 days provided, however, that such handler shall not be precluded from reinstating such previously filed price list within the 30-day period and such reinstated price list shall remain in effect for at least 30 days before a new price list may be filed by the handler.

(c) In the event a price list is mailed by registered letter or telegraphed to the office of the Control Agency, it shall be deemed to have been filed either (i) at the time during the usual business hours it is actually delivered in such office, or (ii) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

Done at Washington, D.C., this 24th day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-6809; Filed, June 28, 1965; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 917]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Expenses and Fixing of Rates of Assessment for 1965–66 Season

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That expenses not to exceed $77,480, as hereinafter established, are reasonable and likely to be incurred during the season ending February 28, 1966, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committees established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $14,333.45;
(2) Early varieties of plums, $25,571.06;
(3) Late varieties of plums, $25,571.07; and
(4) Elberta peaches, $12,004.42; and

(b) That there be fixed the following applicable rates of assessment payable by handlers in accordance with § 917.73:

(1) 1 cent ($0.01) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ½ mills ($0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 and ½ mills ($0.0085) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 3 and ½ mills ($0.0035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 23, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6784; Filed, June 28, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6736]

AIRWORTHINESS DIRECTIVES

Bendix Model 756 Starters on Lycoming Engines

AD 58–8–1 required the incorporation of a holdback spring assembly in certain Bendix Model 756 Series starters installed on Lycoming engines. Recent malfunction reports now indicate that this modification should be incorporated in all current Model 756 Series starters installed on Lycoming engines. Accordingly, it is proposed to issue a new airworthiness directive that would supersede AD 58–8–1 and include all such starters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BENDIX. Applies to Bendix Model No. 756–9 C or E, –10C, –16A, –21 C or E, –22 C or E, –54C, –56 C or E, –62 C or D, –64 C or D, –74 A or B and –76A Starters installed on Lycoming engines.

Compliance required as indicated unless already accomplished.

To prevent starter jaw ratcheting, and assure positive starter jaw disengagement from the engine, thereby preventing jaw fracturing with associated possibility of engine failure, accomplish the following:

(a) Modify engine installed starters having less than 900 hours' time in service since new or since overhaul as of the effective date of this AD, in accordance with paragraphs (c) and (d) prior to 1,000 hours' time in service.

(b) Modify engine installed starters having 900 hours or more time in service since new or since overhaul as of the effective date of this AD, in accordance with paragraphs (c) and (d) within the next 100 hours' time in service after the effective date of this AD.

(c) Install Bendix Service Kit SK 111 in all aforementioned starters, which incorporates a holdback spring assembly to prevent jaw ratcheting.

(d) Modification is to be accomplished per Bendix/Utica Service Bulletin No. 41a and Addendums No. 1 and 2 dated October 17, 1957, August 26, 1959, February 15, 1963, and Service Bulletin No. 64 and Supplement No. 1 dated November 20, 1959, and May 10, 1965.

This supersedes AD 58-8-1.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6763; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6737]

AIRWORTHINESS DIRECTIVES

de Havilland Model 104 "Dove" Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations to include an airworthiness directive for de Havilland Model 104 "Dove" aircraft. Pin-hole corrosion has been found in an engine mounting frame in service. Investigation revealed that the corrosion is attributable to condensation and collection of moisture inside the tubes. Corrosion of the tubular structure from the inside could be widespread and would likely remain undetected until an advanced state was reached. To correct this condition, this AD requires inspection of the tubular structure for evidence of internal corrosion and removal or repair of the frame if evidence of corrosion is found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to de Havilland Model 104 "Dove" aircraft which do not incorporate Modification No. PP. 225. Compliance required as indicated.

As a result of pin-hole corrosion being found in an engine mounting frame that had been in service for some years, and subsequent investigation having revealed that corrosion of the tubular structure from the inside could be widespread and likely remain undetected until an advanced state was reached, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, complete a visual inspection for any external evidence of internal corrosion of the tubular structure, P/N's 4EM.201A and .203A (i.e. paint blistering, pin holes, etc.).

NOTE: Particular attention should be given to the lower tubes and welded joints during the inspection required by paragraph (a).

(1) If any evidence of corrosion is found, remove the frame from service and comply with paragraph (d).

(2) If there is no evidence of corrosion, repeat the visual inspection every 150 hours' time in service from the last inspection. This inspection may be discontinued after compliance with parsgraph (b) or (c).

(b) Within 1 year after the effective date of this AD and at intervals thereafter not to exceed 4 years from the last inspection, conduct an X-ray inspection of engine mounting frames Serial Numbers DHB/1 to DHB/1760 inclusive or prefixed by "DH/—" in accordance with paragraph (d).

(c) Within 2 years after the effective date of the AD and at intervals thereafter not to exceed 4 years from the last inspection, conduct an X-ray inspection of engine mounting frames Serial Number DHB/1781 and subsequent in accordance with paragraph (d).

(d) Conduct an X-ray inspection in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet CT (104) No. 190, Issue 1, dated August 24, 1964. If internal corrosion is found, replace or repair the engine mounting frame in accordance with de Havilland Division factory-approved instructions or an equivalent approved by the Chief, Aircraft Certification Division, FAA Europe, Africa, and Middle East Region. If no internal corrosion is found, the frame may be returned to service.

(e) Initial and repetitive inspections required in paragraphs (a), (b), and (c) may be discontinued upon the installation of an engine mounting frame incorporating Mod. No. PP. 225.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6764; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6124]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for Douglas Model DC-8 aircraft. A notice of proposed rule making requiring inspection of the main landing gear strut piston assembly and repair or replacement of any parts found cracked was published in 29 F.R. 11537, and interested persons were invited to participate in the making of the proposed rule. In view of the comments received, changes of a substantive nature have been found to be necessary in the initial proposal. Therefore, in order to give interested persons an opportunity to comment on these changes, they have been incorporated into a new proposal and the notice of proposed rule making published in 29 F.R. 11537 is hereby withdrawn.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

DOUGLAS. Applies to Model DC-8 aircraft. Compliance required as indicated.

To prevent further failures of the main landing gear strut piston due to cracking in the radius of the torque link lug, accomplish the following on landing gear strut piston assemblies, Douglas P/N 5598229, 5598343, 5719155, 5773028, 5773029, and 5773030:

(a) Unless already accomplished, rework assemblies having 4,000 or more hours' time in service on the effective date of this AD—

(1) In accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,500 hours' time in service after the effective date of this AD; or

(2) In accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, within 500 hours' time in service after the effective date of this AD and in accordance with paragraph 2A of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,500 hours' time in service after the effective date of this AD.

(b) Unless already accomplished, rework assemblies having less than 4,000 hours' time in service on the effective date of this AD—

(1) In accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 8,500 hours' time in service; or

(2) In accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, before the accumulation of 4,500 hours' time in service and in accordance with paragraph 2A of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 8,500 hours' time in service.

(c) Inspect assemblies with 4,000 or more hours' time in service on the effective date of this AD that have not been reworked in accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, in the area of the radius between the main landing gear strut piston torque link lugs for cracks using a dye penetrant inspection method or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 500 hours' time in service after the effective date of this AD unless already accomplished within the last 500 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(d) Inspect assemblies with less than 4,000 hours' time in service on the effective date of this AD that have not been reworked in accordance with Douglas TWX MISC-108/DJW in the area of the radius between the main landing gear strut piston torque link lugs for cracks using a dye penetrant inspection method or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 4,500 hours' time in service unless already accomplished within the last 500 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(e) Replace any part having a crack 0.040 inch or more in depth with an undamaged part before further flight. Replace any part having a crack less than 0.040 inch in depth with an undamaged part before further flight or rework it in accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before further flight.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6765; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 1845]

AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

Amendment 624 (28 F.R. 10564), AD 63-21-5 requires replacement of the main and nosegear retraction links with new redesigned parts on Navion and Twin Navion aircraft. Since the issuance of this AD, parts have been installed as FAA-approved equivalent parts which do not completely conform to the required new design parts. It is proposed therefore to revise Amendment 624 to require that approval of equivalent parts must be obtained from an FAA Regional Engineering and Manufacturing Branch or Aircraft Engineering Division, as appropriate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 624 (28 F.R. 10564), AD 63-21-5, Navion and Twin Navion aircraft, by adding a new paragraph (c) reading as follows:

(c) Approval of equivalent parts shall be obtained from an FAA Regional Engineering and Manufacturing Branch or Aircraft Engineering Division, as appropriate.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6766; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6735]

AIRWORTHINESS DIRECTIVES

Vickers Viscount 700 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by revising Amendment 274 (26 F.R. 3021), AD 61-8-3, to coincide with revisions to the manufacturer's Preliminary Technical Leaflet (PTL) upon which the AD is based. The proposed revision would make the AD applicable to Model 744 aircraft since that model has been reinstated on Aircraft Specification No. A-814, and the PTL now includes all 700 Series aircraft. In accordance with current Agency practice, the revision would also base compliance with the AD on the number of landings rather than the number of flights, and the revision would provide a basis for estimating the number of landings for an operator who has not kept a record of them. Model 745D operators who have kept a record of flights for the purpose of complying with the present AD would be permitted to count each flight as one landing for the purpose of complying with the revision.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Communication should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 274 (26 F.R. 3021), AD 61-8-3, as follows:

1. The applicability statement is amended to read as follows:

VICKERS. Applies to Viscount Models 744 and 745D Series aircraft.

2. The compliance paragraph is amended to read as follows:

Compliance required as indicated, unless already accomplished.

3. Paragraph (a) is amended by striking out the words "600 flights" and inserting the words "600 landings" in place thereof.

4. Paragraph (c) is amended by striking out the words "Vickers-Armstrongs Preliminary Technical Leaflet (PTL 228) (700 Series)" and inserting the words "British Aircraft Corporation (Operating) Limited, Preliminary Technical Leaflet (PTL 228), Issue 2 (700 Series)" in place thereof.

5. The following new paragraph is added after paragraph (c):

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type. Model 745D operators who have kept a record of flights prior to the effective date of this AD may account for them in complying with this AD by counting each flight as one landing.

6. The parenthetical reference statement is amended to read as follows:

(British Aircraft Corporation (Operating) Limited, PTL No. 228, Issue 2 (700 Series) covers this subject.)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6767; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6734]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744, 745D, and 810 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Model 744, 745D, and 810 Series aircraft equipped with Pyrene

fire extinguishers. As a result of an accident, tests have been conducted on the subject aircraft. The tests revealed improper operation of the fire extinguisher system when discharged by the electrical discharge facility. These failures allowed CO_2 to blow by the sealing washers and discharge through the side of the extinguisher head directly into the cockpit. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require inspection of the fire extinguishing systems that are equipped with electric discharge facility and repair as necessary on the subject aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series aircraft that are equipped with Pyrene fire extinguishers, Type DCD 2, DCD 2¼, DCD 10, or DCD 11.

Compliance required at first aircraft overhaul or within 6 months after the effective date of the AD, whichever occurs first, unless already accomplished.

To prevent further failures of Pyrene fire extinguishers of the subject models, accomplish the following:

(a) Overhaul, inspect, and test the fire extinguishing systems that are equipped with electric discharge facility, in accordance with revised requirements in British Aircraft Corporation (Weybridge Division) Preliminary Technical Leaflet No. 256 (700 Series), No. 120 (800/810 Series) (Amendment TR25 to Viscount Maintenance and Instruction Manuals and Amendment TR3 to the Accessories Manual cover the same subject). Subsequent overhaul of the fire extinguishing system must be carried out in accordance with these specified periods in the FAA-approved maintenance schedule.

(b) The spray ring system must be blown through with warm dry air to insure that the piping and discharge holes are free of obstructions during the overhaul of the aircraft at periods specified in the FAA-approved maintenance schedule.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standard Service.

[F.R. Doc. 65-6768; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-49]

CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Elko, Nev., terminal area.

The FAA has completed a comprehensive review of the terminal airspace structure requirements in the Elko, Nev., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, and proposes the following airspace actions:

1. Revoke the Elko, Nev., control area extension.

2. Designate the Elko, Nev., transition area as that airspace extending upward from 700 feet above the surface within 5 miles E and 8 miles W of the Elko VORTAC 177° radial, extending from the VORTAC to 12 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Elko VORTAC, that airspace extending from the 12-mile radius area E of Elko bounded on the N by a line 5 miles S of and parallel to Wells, Nev., VOR 256° radial, on the E by longitude 115°29'00" W., and on the S by a line 5 miles S of parallel to the Elko VORTAC 091° radial, that airspace extending from the 12-mile radius area W of Elko bounded on the N by a line 5 miles SE of and parallel to the Battle Mountain, Nev., 062° radial, on the W by longitude 116°20'00" W., and on the S by a line 10 miles S of and parallel to the Elko VORTAC 258° radial and within 5 miles each side of the Elko VORTAC 154° radial, extending from the 12-mile radius area to 25 miles SE of the VORTAC; that airspace extending upward from 9,500 feet MSL S of Elko, extending from the 12-mile radius area bounded on the E by a line 5 miles W of and parallel to the Elko VORTAC 154° radial, on the S by the arc of a 29-mile radius circle centered on the Elko VORTAC, and on the W by a line 5 miles W of and parallel to the Elko VORTAC 177° radial; and that airspace extending upward from 12,500 feet MSL within the area bounded by the arcs of 29- and 34-mile radius circles centered on the Elko VORTAC, bounded on the E by V-293 and on the W by a line 5 miles W of and parallel to the Elko VORTAC 177° radial. Alteration of the Elko control zone would not be required.

The proposed Elko transition area would provide protection for aircraft executing prescribed instrument approach, departure, transition, and holding procedures conducted within the Elko terminal area.

At a future date, after adjacent terminal areas have been examined under the CAR Amendments 60-21/60-29 implementation program, it is planned that the floors of VOR airways connecting with and adjacent to Elko will be raised to 1,200 feet or more above the surface.

No revisions to the prescribed instrument procedures would be required based on the airspace actions proposed herein.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6769; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Ames, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Ames, Iowa, terminal area, proposes the following airspace action:

Designate the Ames, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.) and within 5 miles SW and 8 miles NE of the 127° bearing from Ames Municipal Airport, extending from the airport to 12 miles SE.

The proposed transition area is being developed for the protection of aircraft executing a new instrument approach procedure. The proposed transition area will provide protection for aircraft during their departure when climbing above 700 feet above the surface and will also provide protection for aircraft executing the proposed instrument approach pro-

cedure during descent to 1,000 feet above the surface.

The proposed transition area would also encompass the Ames holding pattern.

A portion of the proposed transition area will underlie the Des Moines, Iowa, transition area which extends upward from 1,200 feet above the surface as proposed in Airspace Docket No. 65–CE–26, and published in the FEDERAL REGISTER (30 F.R. 4207).

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 17, 1965.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 65-6770; Filed, June 28, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1965; Rev. Supp. No. 1]

FORUM INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JUNE 24, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $515,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in which incorporated, name of company, and location of principal executive Office. Rhode Island; Forum Insurance Company, Providence, Rhode Island.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-6790; Filed, June 28, 1965; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE CONTRACT AUDIT AGENCY

Organization and Functions

The Secretary of Defense approved the following organizational statement on June 9, 1965:

Reference: DoD Directive 7600.2, "Department of Defense Audit Policies."

I. *General.* A. Pursuant to authority vested in the Secretary of Defense, a Defense Contract Audit Agency is hereby established as an agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense and in accordance with Department of Defense policies, directives, and instructions.

B. No separate contract audit organization independent of the Defense Contract Audit Agency shall be established in the Department of Defense.

II. *Organization.* A. The Defense Contract Audit Agency shall consist of:

1. A Director, a Deputy Director, a headquarters establishment, and such subordinate field audit offices as may be established by the Director, Defense Contract Audit Agency, for the accomplishment of the Defense Contract Audit Agency mission. Field audit offices will include district/regional, branch, procurement liaison, contractor residency, and contract audit coordination offices.

2. Such other subordinate offices or establishments and activities as are herein or may be hereafter specifically assigned to the Defense Contract Audit Agency by the Secretary of Defense.

B. The chain of command shall run from the Secretary of Defense to the Director, Defense Contract Audit Agency.

III. *Scope and definitions.* A. The Defense Contract Audit Agency operations will be conducted on a worldwide basis.

B. Contract audit is defined as the professional auditing service provided by the Defense Contract Audit Agency to all elements of the Department of Defense, and to other governmental agencies as appropriate, which will permit the Defense Contract Audit Agency to meet the responsibilities and perform the functions enumerated in sections VI and VII of this Directive.

IV. *Purpose.* The purpose of contract auditing is to assist in achieving the objective of prudent contracting by providing those responsible for procurement and contract administration with financial information and advice on proposed or existing contracts and contractors, as appropriate. Audit services of the Defense Contract Audit Agency shall be utilized by procurement and contract administration activities to the extent appropriate in connection with the negotiation, administration, and settlement of contract payments or prices which are based on cost (incurred or estimated), or on cost analysis.

V. *Defense Contract Audit Advisory Council.* A. To advise the Secretary of Defense in the direction and control of the Defense Contract Audit Agency, a Defense Contract Audit Advisory Council is hereby established with membership as follows: The Deputy Secretary of Defense, Chairman; The Assistant Secretary of Defense (Comptroller), Alternate Chairman; The Assistant Secretary of Defense (Installations and Logistics); The Assistant Secretaries of the Military Departments (Financial Management) and (Installations and Logistics); The Director, Defense Supply Agency; and the Deputy Director, Contract Administration Services, Defense Supply Agency.

B. The Defense Contract Audit Advisory Council will be furnished an appropriate report at least twice a year by the Director, Defense Contract Audit Agency.

C. The Council will also be available for consultation with the Director, Defense Contract Audit Agency, on such matters as he or any member of the Council may bring before it. It will meet as regularly as necessary but not less frequently than semiannually.

D. The Assistant Secretary of Defense (Comptroller) will provide for furnishing Executive Secretarial services to the Council.

VI. *Responsibilities.* The Defense Contract Audit Agency, under the direction and operational control of its Director shall be responsible for:

A. Performing all necessary contract audit for the Department of Defense and providing accounting and financial advisory services regarding contracts and subcontracts to all Department of Defense components responsible for procurement and contract administration. These services will be provided in connection with negotiation, administration, and settlement of contracts and subcontracts.

B. Providing contract audit service to other Government agencies as may be appropriate.

VII. *Functions.* Under its Director, the Director, the Defense Contract Audit Agency will perform the following functions:

A. Audit, examine and/or review contractors' and subcontractors' accounts, records, documents, and other evidence; systems of internal control; accounting, costing, and general business practices and procedures; to the extent and in whatever manner is considered necessary to permit proper performance of the other functions described in B through J below.

B. Examine reimbursement vouchers received directly from contractors, under cost-type contracts, transmitting those vouchers approved for payment to the cognizant Disbursing Officer and issuing DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with a copy to the cognizant contracting officer, with respect to costs claimed but not considered allowable. Where the contractor disagrees with a suspension or disallowance action by DCAA, and the difference cannot be resolved, the contractor may appeal in writing to the ACO who will make his determination in writing. In addition, the contracting officer may direct the issuance of DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with respect to any cost which he has reason to believe should be suspended or disapproved.

C. Provide advice and recommendations to procurement and contract administration personnel on:

1. Acceptability of costs incurred under redeterminable, incentive, and similar-type contracts.

2. Acceptability of incurred costs and estimates of cost to be incurred as represented by contractors incident to the award, negotiation, modification, change, administration, termination, or settlement of contracts.

3. Adequacy of financial or accounting aspects of contract provisions.

4. Adequacy of contractors' accounting and financial management systems,

adequacy of contractors' estimating procedures and adequacy of property controls.

D. Assist responsible procurement or contract administration activities in their surveys of the purchasing-procurement systems of major contractors.

E. Direct audit reports to the Government management level having authority and responsibility to take action on the audit findings and recommendations.

F. Cooperate with other appropriate Department of Defense components on reviews, audits, analyses, or inquiries involving contractors' financial position or financial and accounting policies, procedures, or practices.

G. Establish and maintain liaison auditors as appropriate at major procuring and contract administration offices.

H. Review General Accounting Office reports and proposed responses thereto which involve significant contract or contractor activities for the purpose of assuring the validity of appropriate pertinent facts contained therein.

I. In an advisory capacity, attend and participate, as appropriate, in contract negotiation and other meetings where contract cost matters, audit reports, or related financial matters are under consideration.

J. Provide assistance, as requested in the development of procurement policies and regulations.

VIII. *Authority.* To discharge the responsibilities of the Agency, the Director, Defense Contract Audit Agency, or his designees, are specifically delegated authority to:

A. Have free and unrestricted access to, and direct communication with, all elements of the Department of Defense and other executive departments and agencies as necessary.

B. Operate and control all organizations, activities, and resources assigned or attached to the Defense Contract Audit Agency.

C. Establish Defense Contract Audit Agency facilities using wherever feasible, appropriate established physical facilities of the military departments or the Defense Supply Agency.

D. Obtain such information from any component of the Department of Defense as may be necessary for the performance of Defense Contract Audit Agency functions.

E. Centralize or consolidate the functions for which Defense Contract Audit Agency is responsible to the extent the Director deems feasible and desirable in consonance with the aims of maximum overall efficiency, economy, and effectiveness.

IX. *Relationships.* A. In the performance of his functions, the Director, Defense Contract Audit Agency shall:

1. Consult with the Defense Contract Audit Advisory Council to assure that the Council has adequate knowledge of Defense Contract Audit Agency plans for accomplishing the Defense Contract Audit Agency mission in support of programs to be carried on by the military departments, Defense Supply Agency, and other defense agencies.

2. Maintain appropriate liaison with other components of the Department of Defense, other agencies of the Executive Branch, and the General Accounting Office for the exchange of information and programs in the field of assigned responsibilities.

3. Make use of existing Department of Defense facilities and services, wherever practicable to achieve maximum efficiency and economy.

B. Primary staff supervision shall be provided to the Director, Defense Contract Audit Agency, on behalf of the Secretary of Defense, by the Assistant Secretary of Defense (Comptroller), who will prescribe principles and policies to be followed in connection with technical, organization, and administrative matters related to contract audit.

C. The military departments and other Department of Defense components shall provide support, within their respective fields of responsibility, to the Director, Defense Contract Audit Agency to assist in carrying out the assigned responsibilities and functions of the Agency. Programing, budgeting, and financing for such support will be in accordance with policies and procedures prescribed by the Assistant Secretary of Defense (Comptroller).

X. *Administration.* A. The Director shall be appointed by the Secretary of Defense.

B. The Deputy Director will be a qualified civilian and appointed by the Secretary of Defense.

C. The transfer of manpower authorizations to Defense Contract Audit Agency from other DoD components will be in accordance with established policies and procedures.

D. The appointment of other personnel to the Agency will be subject to the approval of the Director, Defense Contract Audit Agency. Regional managers will be qualified civilians.

E. The Defense Contract Audit Agency will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary for the performance of its function. In this connection, programing, budgeting, financing, accounting, and reporting activities of the Defense Contract Audit Agency will be in accordance with policies and procedures established by the Assistant Secretary of Defense (Comptroller).

XI. *Implementation.* The Director, Defense Contract Audit Agency will assume assigned responsibility and functions of the Agency in accordance with the schedule to be approved by the Secretary of Defense.

XII. *Effective date.* This Directive is effective upon publication. Whenever the Defense Contract Audit Agency assumes responsibility for the function assigned to it under the terms of this Directive, all components of the Department of Defense will review their existing directives, instructions, and regulations for conformity, make necessary changes thereto within 90 days, and notify the Assistant Secretary of Defense (Administration) when the changes are completed.

ENCLOSURE 1—DELEGATIONS OF AUTHORITY

1. Pursuant to the authority vested in the Secretary of Defense, the Director, Defense Contract Audit Agency, or, in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with Department of Defense policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DCAA to:

a. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), pertaining to the employment, direction, and general administration of DCAA civilian personnel.

b. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where each installation is located. DCAA, in fixing such rates, shall follow the wage schedule established by the local wage board.

c. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DCAA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

d. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and designate in writing, as may be necessary, officers and employees of DCAA to perform this function.

e. Establish a DCAA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DCAA or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

f. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22-1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in DCAA as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DCAA.

g. Clear DCAA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated February 15, 1962, "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 10501, dated November 5, 1953, as amended.

h. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to DCAA employees.

i. Authorize and approve overtime work for DCAA civilian officers and employees in accordance with the provisions of § 550.1 of the Civil Service Regulations.

j. Authorize and approve:

(1) Travel for DCAA civilian officers and employees in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A-7, Revised);

(2) Temporary duty travel only for military personnel assigned or detailed to DCAA in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DCAA activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2).

k. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DCAA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

l. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

m. Establish and use Imprest Funds for making small purchases of material and services other than personal for DCAA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1, dated January 5, 1962, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

n. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DCAA (44 U.S.C. 324).

o. (1) Establish and maintain appropriate Property Accounts for DCAA.

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DCAA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

p. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, Defense Contract Audit Agency, pursuant to paragraph III.A. and V.B. of DoD Directive 5200.8, dated August 20, 1954.

q. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

r. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DCAA.

2. The Director, Defense Contract Audit Agency, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

3. This delegation of authorities is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-6779; Filed, June 28, 1965; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA BECKER ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959, and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the day of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Anna Becker, Borngasse, 6251 Steinbach, Kreis Limburg/Lahn, Germany; Claim No. 45533; $155.04 in the Treasury of the United States.

August Ahlborn, Schottenfeldgasse 25, Vienna VII, Austria, Claim No. 45636; $3,715.49 in the Treasury of the United States.

Hildegard Lewandowski, 69 Iglaseegasse, Vienna, XIX, Austria, Claim No. 59004; $41.75 in the Treasury of the United States.

Wilhelmine Gundacker, Jedleseer Strasse 66-94, Vienna XXI, Austria, Claim No. 63636; $58.08 in the Treasury of the United States.

Hedwig Grabher-Meier, Koenigshofstrasse 1, Lustenau, Austria; $137.31 in the Treasury of the United States; and Karolina Ruetz, Arlbergstrasse 95, Bregenz, Austria; $22.89 in the Treasury of the United States; and Maria Deuring, Rheindorferstrasse 31, Lustenau, Austria; $22.89 in the Treasury of the United States; and Anna Grabher, Lerchenfeldstrasse 2, Lustenau, Austria; $22.89 in the Treasury of the United States; and Rosina Fitz, Lerchenfeldstrasse 2, Lustenau, Austria; $22.88 in the Treasury of the United States; and Walter Grabher, Bahngasse 14, Lustenau, Austria; $22.88 in the Treasury of the United States; and Wilhelm Grabher, Hagenmahdsiedlung 74, Lustenau, Austria; $22.88 in the Treasury of the United States; and Alois Grabher, Gallusstrasse 38, St. Gallen, Switzerland, Claim No. 67014; $34.33 in the Treasury of the United States.

Annie Hebein, Trauttmansdorffgasse 28, Vienna XIII, Austria, Claim No. 67030; $399.59 in the Treasury of the United States.

Maria Stein, Starkfriedgasse 42, Vienna XIX, Austria, Claim No. 67031; $206.78 in the Treasury of the United States.

Springer-Verlag, Moelkerbastei 5, Vienna I, Austria, on behalf of the following authors or their heirs:

Friedrich Hecht, Alserstrasse 69, Vienna VIII, Austria; $82.80 in the Treasury of the United States.

Johann List, Heinrichstrasse 126, Graz, Austria; $27.83 in the Treasury of the United States.

Willibald Machu, Wohllebengasse 16, Vienna IV, Austria; $77.07 in the Treasury of the United States.

Josef Schintlmeister, Caberlastrasse 3, Dresden, East Germany; $15.05 in the Treasury of the United States.

Friedrich Chmelka, Herbeckstrasse 75/X/6, Vienna XVIII, Austria; $8.87 in the Treasury of the United States.

Christine Ritter; $81.36 in the Treasury of the United States; and Renate Ritter; $81.35 in the Treasury of the United States; and Rosa Ritter; $81.36 in the Treasury of the United States; and Rosa Ritter, as Guardian for Isabella Ritter, all of Haiderstrasse 2, Linz, Austria; $81.36 in the Treasury of the United States; Erich Franz Fuhrmann Raaba 185, Post Graz, St. Peter, Austria; $11.32 in the Treasury of the United States; Margarete Fuhrmann, Polzergasse 31, Graz IX, Austria, Claim No. 44950; $3.78 in the Treasury of the United States.

Austro-Mechana, Ungargasse 2, Vienna III, Austria, on behalf of its members as follows:

Kurt Schild, Halbgasse 6, Vienna VII, Austria; $7.22 in the Treasury of the United States; Emil Spitzer, Leopoldsgasse 9, Vienna II, Austria; $15.05 in the Treasury of the United States; Robert Stolz, Elisabethstr. 16, Vienna I, Austria; $1.85 in the Treasury of the United States; Peter Wehle, Moehlstrasse 16, Munich, Germany; $12.41 in the Treasury of the United States; Karl Wewerka, Lindengasse 10, Vienna VII, Austria; $1.72 in the Treasury of the United States; Josef Hochmuth, Juchgasse 14, Vienna III, Austria; $44.00 in the Treasury of the United States; Kurt Asboth, Saraugasse 2, Vienna XIII, Austria; $5.25 in the Treasury of the United States; Karl Bittner, Sedlitzkygasse 18/2, Vienna XI, Austria; $4.51 in the Treasury of the United States; Ludwig Krenn, Reindorfgasse 42, Vienna XV, Austria; $0.54 in the Treasury of the United States; Stefanie Kurzer, Lerchenfelderstrasse 21, Vienna VII, Austria; $4.52 in the Treasury of the United States; Karl Lorens, Speisingerstrasse 113 c/1, Vienna XIII, Austria; $3.10 in the Treasury of the United States; Rudolf Oes-

terreicher, Siebensterngasse 31/7, Vienna VII, Austria; $0.60 in the Treasury of the United States; Gottfried Indra, Mahlerstrasse 11, Vienna I, Austria; $5.20 in the Treasury of the United States; Anton Profes, Formanekgasse 4, Vienna XIX, Austria; $7.82 in the Treasury of the United States; Viktor Hruby, Gumpendorferstr. 26, Vienna VI, Austria; $8.23 in the Treasury of the United States; Johann (a/k/a Hans) Lang, Leschetitzkygasse 23, Vienna XVIII, Austria; $0.73 in the Treasury of the United States; Josef Hadraba, Johann Strausgasse 30, Vienna IV, Austria; $4.83 in the Treasury of the United States; Karl Robitschek and Hedwig Robitschek, successors of Adolf Robitschek, deceased, Braeunerstrasse 2, Vienna I, Austria; $3.52 in the Treasury of the United States; Karoline Marischka, successor of Ernst Marischka, deceased Blechturmgasse 10, Vienna IV, Austria; $4.51 in the Treasury of the United States; Austro-Mechana, Vienna III, Austria, Claim No. 41887 $26.94 in the Treasury of the United States for the benefit of members of Austro-Mechana as follows:

Name	Amount
Heinrich Berte	$0.33
Alexander Biczo	1.00
Felix Doermann	0.71
Austin Egen	0.28
Willy Engelberger	0.01
Karl Farkas	0.04
Karl Foederl	1.67
H. Frank Jr.	0.04
Hans Haller	0.02
Bruno Hardt-Warden	0.02
Josef Hochleithner	0.01
Franz Hohenberger	0.54
Alexander Hornig	1.00
Josef Hornig	1.00
Peter Igelhoff	0.01
Max Kalbeck	0.03
Alois Klampferer-Eckhardt	0.11
Karl Komzak	2.51
Michael Krausz-Krausenecker	0.02
Dr. Mahler	0.10
Joseph Messner	0.01
Hans Pfitzner	2.59
Hans Pfianzer	0.29
Aldo v. Pinelli	2.76
Fred Raymond	0.03
Edition Scala	0.85
Rudolf Sieczinsky	2.39
E. W. Spahn	0.01
Johann Strauss (Erben)	4.34
J. F. Wagner	1.81
Moritz West	1.37
Hugo Wiener	0.01
Wiener Musikverlag	0.03
Ferdinand Leicht	1.00

Executed at Washington, D.C., on June 23, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 65-6754; Filed, June 28, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 11]

CONTRACTING OFFICERS AND AUTHORIZED REPRESENTATIVES

Delegation

JUNE 23, 1965.

Order 566, as amended, is further amended by the revision of sec. 2 to read as follows:

SEC. 2. *Delegation of Contracting Officers and Contracting Officers' authorized representatives*—(a) *Contracting Officers.* * * *

(1) *Headquarters Office Officials.* * * *

(f) Chief, Field Technical Office, Branch of Plant Management, Littleton, Colo.

(g) Chief, Contract Management Section, Field Technical Office, Branch of Plant Management, Littleton, Colo.

(h) Engineering Adviser, Division of Administration.

* * * * *

(b) *Contracting Officers' authorized representatives.* * * *

(1) *Headquarters Office Officials.* (a) Assistant Chief, Branch of Plant Design and Construction.[1]

(b) Chief, Contract Staff.[1]

(c) Chief, Architectural Section.[1]

(d) Chief, Operations Section.[1]

(e) Chief, Engineering Section.[1]

(f) Chief, Contract Construction Management Unit.[1]

(g) Chief, Civil Engineering Unit.[1]

(h) Chief, Electrical Engineering Unit.[1]

(i) Chief, Mechanical Engineering Unit.[1]

(j) Chief, Sanitary Engineering Unit.[1]

(k) Chief, Contract Management Section.[2]

(l) Engineering Adviser, Division of Administration.

* * * * *

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-6791; Filed, June 28, 1965; 8:48 a.m.]

Geological Survey

[Idaho 20]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Correction

In F.R. Doc. 65-5391, appearing in the issue for Saturday, May 22, 1965, at page 6948, under *Reclassified phosphate lands from nonphosphate lands*, line 10 of "T. 44 N., R. 44 E." should read "Sec. 25, SW¼, SW¼SE¼;".

Office of the Secretary

COMMISSIONER OF FISH AND WILDLIFE

Departmental Manual; Delegation of Authority

The delegations of authority published in the FEDERAL REGISTER on May 27, 1965 (30 F.R. 7116), and on June 4, 1965 (30 F.R. 7402), are further amended by the addition of 210 DM 1.6 as set forth below. The material is a portion of the Department Manual and the numbering system is that of the Manual.

PART 210—OFFICE OF THE SECRETARY

CHAPTER 1—SECRETARIAL OFFICERS

210.1.6 *The Commissioner of Fish and Wildlife.* The Commissioner of Fish and Wildlife, in addition to the functions he performs under his designation as Deputy Assistant Secretary for Fish and Wildlife and Parks, is the principal line assistant to the Assistant Secretary for Fish and Wildlife and Parks. In that capacity he is authorized to exercise the authority of the Assistant Secretary except for the limitations contained in 200 DM 1.4 and 1.5. The purpose of this delegation of authority is to provide material assistance to the Assistant Secretary in international fish and wildlife conferences; in the development, promotion, and conservation of commercial fisheries; and activities related to sport fisheries and wildlife, and national park areas.

A. The Commissioner may not redelegate this authority.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1965.

[F.R. Doc. 65-6780; Filed, June 28, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-58]

OKLAHOMA STATE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 1, 1965, the latest completion date specified in Construction Permit No. CPRR-85 which authorizes Oklahoma State University to move its Model AGN-201, Serial No. 102 nuclear reactor from its location in the Chemical Engineering Building to the new engineering building on the University's campus in Stillwater, Okla.

Copies of the Commission's order and the application filed by Oklahoma State University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 22d day of June 1965.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 65-6755; Filed, June 28, 1965; 8:45 a.m.]

[1] Located in the Branch of Plant Design and Construction, Albuquerque, N. Mex.

[2] Located in the Field Technical Office, Branch of Plant Management, Littleton, Colo.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

WEST ALABAMA STOCK YARDS, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
West Alabama Stock Yards, Inc., Eutaw, May 19, 1959.	West Alabama Stockyards, May 1, 1965.
ARIZONA	
Yuma Livestock Auction, Inc., Yuma, Oct. 14, 1957.	Yuma Livestock Exchange, Feb. 8, 1965.
ARKANSAS	
Rector Auction Sale Barn, Rector, Aug. 17, 1957.	Rector Auction Sale Barn, Inc., Feb. 15, 1965.
ILLINOIS	
Brown County Sales Association, Mt. Sterling, Aug. 10, 1961.	Brown County Sales Association, June 24, 1964.
Olney Livestock Commission Co., Inc., Olney, Nov. 20, 1959.	Olney Livestock Commission Co., May 10, 1965.
IOWA	
Albia Sales Co., Albia, Apr. 28, 1941	Albia Sales Co., Inc., Dec. 31, 1964.
Laurens Auction, Inc., Laurens, May 26, 1959	Reed Auction Co., May 13, 1965.
KANSAS	
Fred Doll Livestock Sales Co., Larned, Apr. 26, 1950.	Larned Livestock Commission Co., Jan. 25, 1965.
Ness Livestock, Inc., Ness City, Apr. 17, 1950	Ness City Livestock Commisaion Co., May 19, 1965.
MINNESOTA	
Southern Minnesota Livestock Co., Lafayette, Oct. 6, 1959.	Lafayette Livestock Yards, Mar. 8, 1965.
Le Sueur Livestock Commission Co., Inc., Le Sueur, Oct. 17, 1959.	Le Sueur Livestock Commission Co., Jan. 2, 1965.
Lewiston Sales Barn, Lewiston, Apr. 25, 1960	Lewiston Livestock Market, Apr. 1, 1965.
NEBRASKA	
Baxter-Johnson Livestock Auction Co., Hastings, May 22, 1959.	Hastings Livestock Market Center, Jan. 1, 1965.
NEW YORK	
Farmers Livestock Market, Bath, Aug. 30, 1960	Steuben County Livestock Market, Mar. 23, 1965.
Steuben County Livestock Market, Palmyra, Aug. 1, 1960.	N. Johncox Sons, Mar. 19, 1965.
OHIO	
Western Ohio Livestock Exchange, Inc., Celina, June 10, 1959.	Western Ohio Livestock Exchange, Mar. 6, 1965.
PENNSYLVANIA	
Danville Livestock Market, Inc., Danville, Nov. 23, 1959.	Montour Farmers Livestock Market, Inc., Apr. 30, 1965.
TENNESSEE	
Shelbyville Livestock Auction Market, Shelbyville, May 8, 1959.	Shelbyville Stockyards, Apr. 5, 1965.
VIRGINIA	
Suffolk Livestock Market, Suffolk, Aug. 7, 1961	Jarman Stockyard, Feb. 22, 1965.
WISCONSIN	
Nerison Livestock Sales, Coon Valley, Oct. 27, 1960.	Equity Cooperative Livestock Sales Association, May 5, 1965.

Done at Washington, D.C., this 23d day of June 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-6806; Filed, June 28, 1965; 8:49 a.m.]

Office of the Secretary

COLORADO

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Sedgwick.

It has also been determined that in the hereinafter-named counties in the State of Colorado the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	*Previous designation*
Adams	29 F.R. 9544
Arapahoe	29 F.R. 9544
Baca	29 F.R. 7784
Bent	29 F.R. 9544
Boulder	29 F.R. 7784
Cheyenne	29 F.R. 9544
Crowley	29 F.R. 9544
Custer	29 F.R. 9544
Douglas	29 F.R. 9544
Elbert	29 F.R. 9544
El Paso	29 F.R. 9544
Huerfano	29 F.R. 9544
Jefferson	29 F.R. 9544
Kiowa	29 F.R. 9544
Kit Carson	29 F.R. 9544
Larimer	29 F.R. 7784
Las Animas	29 F.R. 9544
Lincoln	29 F.R. 9544
Logan	29 F.R. 11282
Morgan	29 F.R. 15876
Otero	29 F.R. 9544
Prowers	29 F.R. 9544
Pueblo	29 F.R. 9544
Washington	29 F.R. 15876
Weld	29 F.R. 7784

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Colorado counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6808; Filed, June 28, 1965; 8:49 a.m.]

CIVIL SERVICE COMMISSION

PODIATRIST

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962,

as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and the rate ranges for positions of Podiatrist, GS–668–9, 10, and 11. The revised rates for these occupational levels are:

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS–9	$8,690	$8,935	$9,180	$9,425	$9,670	$9,915	$10,160	$10,405	$10,650	$10,895
GS–10	9,520	9,790	10,060	10,330	10,600	10,870	11,140	11,410	11,680	11,950
GS–11	10,420	10,715	11,010	11,305	11,600	11,895	12,190	12,485	12,780	13,075

2. Geographic coverage is the Washington, D.C., Metropolitan Area.

3. The effective date will be the first day of the first pay period beginning on or after June 18, 1965.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6839; Filed, June 28, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENJAY LABORATORIES

Notice of Filing of Petition for Food Additive Zinc Dibutyl Dithiocarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1642) has been filed by Enjay Laboratories, Post Office Box 45, Linden, N.J., proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of zinc dibutyl dithiocarbamate as a stabilizer in isobutylene-isoprene copolymers complying with § 121.2590 at a level not to exceed 0.2 percent by weight of the isobutylene-isoprene copolymers limited to use in contact with foods only of the types identified in § 121.2526(c), Table 1, under types V, VII, VIII, and IX.

Dated: June 21, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–6788; Filed, June 28, 1965; 8:48 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Diuron

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F0432) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, proposing the establishment of tolerances for residues of the herbicide diuron in or on the raw agricultural commodities named:

7 parts per million in or on asparagus.

2 parts per million in or on barley hay, forage, and straw; clover hay and forage; oat hay, forage, and straw; pea hay and forage; rye hay, forage, and straw; sorghum fodder and forage; and vetch hay and forage.

1 part per million in or on apples, artichokes, barley grain, blackberries, blueberries, boysenberries, currants, dewberries, gooseberries, huckleberries, loganberries, oat grain, olives, pears, peas, raspberries, rye grain, sorghum grain, vetch seed; and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

The analytical procedure proposed in the petition is that of Pease (Journal of Agricultural and Food Chemistry, vol. 10, p. 279 (1962)) based on the colorimetric method of Bleidner et al. (Journal of Agricultural and Food Chemistry, vol. 2, p. 476 (1954)) for monuron with modification for diuron, and using the chromatographic separation technique of Bleidner (ibid., p. 682).

Dated: June 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–6799; Filed, June 28, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65–CE–13]

MOTOROLA COMMUNICATIONS AND ELECTRONICS

Notice of Petition for Review

The Agency's Central Regional Office issued the following determination of no hazard to air navigation (Aeronautical Study No. CE–OE–7620) in Kansas City, Mo., on May 18, 1965:

The Federal Aviation Agency has conducted an aeronautical study in accordance with § 77.19, Federal Aviation Regulations, to determine what effect the following described construction would have upon the safe and efficient utilization of navigable airspace.

Motorola Communications & Electronics proposes to construct a microwave tower near Pontiac, Mich., at latitude 42°42'07", longitude 83°14'35". The overall height of the structure would be 1,248 feet above mean sea level (300 feet above ground).

The proposed structure would be located 1.3 miles south/southeast of Allen Airport. It would exceed the standards for determining obstructions to air navigation in § 77.23(a)(5) of the Federal Aviation Regulations (200 feet above ground on a segment of VOR Federal Airway V–42 and V–42E).

The aeronautical study disclosed other structures of greater height are the controlling obstructions on this airway segment.

Therefore, pursuant to the authority delegated to me, it is found that the structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the structure would not be a hazard to air navigation provided the structure is obstruction marked and lighted in accordance with FAA standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed. If the appeal is denied, the determination will then become final as of the date of denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire on November 18, 1966, or upon earlier abandonment of the construction proposal.

Notice to this office is required within 5 days after the construction reaches its greatest height.

Mr. James D. Ramsey, Director of the Michigan Department of Aeronautics, Capitol City Airport, Lansing, Mich., and Mr. J. C. Austin, Vice Chairman of the Oakland County Board of Auditors, Pontiac, Mich., have petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Central Regional Office in Aeronautical Study No. CE–OE–7620 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 22, 1965.

JOSEPH VIVARI,
Acting Chief, Obstruction Evaluation Branch.

[F.R. Doc. 65–6771; Filed, June 28, 1965; 8:47 a.m.]

[OE Docket No. 65–EA–9]

TRIANGLE PUBLICATIONS, INC.

Notice of Petition for Review

The Agency's Eastern Regional Office issued the following determination of

hazard to air navigation (Aeronautical Study No. EA–OE–6243) in New York, N.Y., on May 13, 1965:

The Federal Aviation Agency has circularized the following construction proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of navigable airspace.

Triangle Publications, Inc. (WNHC–TV) proposes to construct a television antenna tower near Millbrook, Conn., at latitude 41°25'13" N., longitude 72°57'16" W. The tower would be 1,549 feet above mean sea level (829 feet above ground).

The proposed tower would be 2.5 miles southeast of the Bethany Airport and 5 miles northwest of the centerline of Federal Airway V167. It will exceed the 500-foot above ground standard in § 77.23(a)(1), Federal Aviation Regulations (revised May 1, 1965). Additionally, it would require an increase in the minimum obstruction clearance altitude of Federal Airway V167 between Wallingford and Sound Intersections from 1,800 to 2,000 feet. The proposed tower would not require increase in the minimum en route altitude of any airway.

Objections to the proposal were based primarily on the adverse effect the tower would have on Bethany Airport operations and on VFR en route traffic. Objections were also made based on the conclusion that the proposed tower would require an increase in minimum obstruction clearance altitude and/or the minimum en route altitude of Federal Airways V3, V251 and V167. The study disclosed that the proposed tower would have no adverse effect on these airways.

The study disclosed no evidence that a substantial volume of VFR en route traffic operates at low altitudes in proximity to the site of the proposed tower.

The study further disclosed that the proposed tower would have no substantial adverse effect on VFR en route traffic nor on instrument flight rules operations, procedures, or minimum flight altitudes.

Bethany Airport has one runway, aligned north/south (02–20), 2,400 feet in length. Traffic patterns for conventional aircraft are standard left and flown at 800 feet above the airport elevation (1,500 feet above mean sea level). Gliders fly a right traffic pattern at 600 feet. Entry into the traffic pattern by conventional aircraft is flown at 1,500 feet above mean sea level on a course which intersects the downwind leg at a 45 degree angle. The proposed tower would be located on the approximate course flown to enter the pattern for landing to the south and would be approximately 49 feet higher than the altitude of the aircraft. The proposed tower would be located within the student training area which serves the airport and within which aircraft operate as low at 500 feet above ground.

The Federal Aviation Agency's current Airport Facilities Record for Bethany Airport indicates there are 23 based aircraft and that aeronautical activity includes charter, rentals, glider towing, and flight instruction.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect on aircraft operating at the Bethany Airport and would be detrimental to the safety of such aircraft.

Subsequent to discussion of the proposal at an airspace meeting on December 15, 1964, the proponent submitted evidence that he has obtained an option to purchase the lease on the airport property. Further, he has stated he will exercise such option and use the property for other than airport purposes if the effect on the airport activity is the single basis in the Agency's determination in this case. On this basis, the proponent has requested the Agency issue a Determination of No Hazard on the condition that the airport will be closed. The Agency has considered this evidence. However, it has decided that because of its direction under section 305 of the Federal Aviation Act of 1958, 49 U.S.C. 1346, to encourage and foster the development of civil aeronautics and air commerce, it cannot issue a decision which is conditioned upon the closure of an airport. To do so would be to give impetus to an action which is clearly contrary to the Agency's responsibility.

Therefore, pursuant to the authority delegated to me, it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and, it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed. If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Triangle Publications, Inc., Philadelphia, Pa. (licensee of WNHC–TV Channel 8, New Haven, Conn.), has petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Eastern Regional Office in Aeronautical Study No. EA–OE–6243 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 18, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65–6772; Filed, June 28, 1965; 8:47 a.m.]

[OE Docket No. 65–SO–8]

ALFONSO VALDES

Notice of Petition for Review

The Agency's Southern Regional Office issued the following determination of hazard to air navigation (Aeronautical Study No. SO–OE–5533) in East Point, Ga., on May 28, 1965:

The Federal Aviation Agency has circularized and studied the following proposal to determine the effect on the use of navigable airspace.

Mr. Alfonso Valdes proposes an office building in Santurce, P.R., at 18°24'32", 66°03'26", 250 feet AGL, 300 feet AMSL.

The proposed structure would be located in the San Juan control zone, approximately 22,350 feet SW of the Puerto Rico International Airport reference point, and would exceed § 77.23(a)(5) of the Federal Aviation Regulations because it would extend more than 200 feet above ground. Also, the proposed structure would be located in the final approach area for the standard instrument approach procedure AL–784–VOR–RWY 7 to the International Airport and would increase the landing minimums from 500 to 600 feet, thus violating § 77.23(a)(4).

The aeronautical study disclosed that the prevailing winds are from the E making it necessary for approaching aircraft to conduct instrument approaches from the W. The VOR approach to Runway 7 is the primary procedure since it permits the lowest landing minimums from the W. According to Agency records there were 1,079 instrument approaches to the airport in 1964. Approximately 95 percent of these approaches were made from the W using the VOR procedure.

During the aeronautical study the proponent amended the height of his proposed structure to 280 feet above mean sea level. Since 258 feet above mean sea level is the maximum height permissible at this site without affecting the landing minimums, the amendment did not mitigate the adverse effects found in the study.

The proposed structure, as originally submitted and amended, would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace. Therefore, in accordance with Federal Aviation Regulations, Part 77, it is determined that the proposed structure would be a hazard to air navigation.

This determination will become final 30 days after the date of issuance unless a petition for review is filed in accordance with § 77.37. If the petition is denied the determination becomes final on the date of the denial or 30 days after the issuance of the determination, whichever is later.

Mr. Alfonso Valdes, San Juan, P.R., has petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Southern Regional Office in Aeronautical Study No. SO–OE–5533 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 18, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65–6773; Filed, June 28, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14293; FCC 65M-822]

DOWNRIVER BROADCASTING ASSN.

Order Continuing Hearing

In re application of Robert G. Groth, Eugene A. Robinson and Rev. Lawrence Kenneth Zank, doing business as the Downriver Broadcasting Association, Napoleon, Ohio, Docket No. 14293, File No. BP-15412; for construction permit.

At the further prehearing conference held June 23, 1965, it was agreed that the time schedule previously approved by the Hearing Examiner in an order released April 14, 1965, could not be met, and that the following time schedule would hereafter be followed:

a. Applicant will exchange draft of engineering material and exhibits on or before close of business on July 7, 1965.

b. An informal conference under the supervision of the Broadcast Bureau engineer will be held on or before the close of business on July 16, 1965.

c. The applicant will exchange with all parties the final draft of all engineering exhibits which applicant will offer in evidence on or before the close of business on Friday, July 23, 1965.

d. The evidentiary hearing now scheduled for June 28, 1965, is rescheduled to begin on Wednesday, July 28, 1965.

It is so ordered, This the 23d day of June 1965.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6801; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15875, 15876; FCC 65M-821]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Regarding Procedural Dates

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

The Hearing Examiner having under consideration the Supplement No. 1 to Fourth Report and Order in Docket No. 14229, released by the Commission on June 18, 1965;

It appearing, that the said Supplement No. 1 stays further proceeding in this and other hearings until the applicants give notice of intention to amend their applications on or before July 6, 1965;

It is ordered, This 23d day of June 1965, that all presently scheduled procedural dates are set aside; and that further proceedings herein are stayed pending further order of the Hearing Examiner.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6802; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-819]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Scheduling Prehearing Conference

In re applications of Harry J. Morgan trading as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

The Hearing Examiner having under consideration a "Petition To Change Hearing Schedule" filed June 21, 1965, in the above-entitled matter by Dick Broadcasting Co., Inc., of Tennessee, and

It appearing, that all other parties agree to the request and that good cause for granting the petition has been shown.

It is ordered, This 23d day of June 1965, that the aforesaid petition is granted and that, accordingly, all procedural dates heretofore scheduled are canceled, and

It is further ordered, That in lieu of the hearing which had previously been scheduled for July 7, 1965, a further prehearing conference will be held on that date commencing at 9 a.m., in the Commission's offices in Washington, D.C.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6803; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-820]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Scheduling Prehearing Conference

In re Applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64; for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

The Hearing Examiner having under consideration a motion filed on June 22, 1965, by American Radio-Telephone Service, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for June 24, 1965, be continued to July 8, 1965, or to such time thereafter as the Hearing Examiner's schedule will permit; and

It appearing, that the principals of the applicants have reached an agreement, in principle, for the acquisition by American Radio-Telephone Service, Inc., of a 60-percent interest in Radio Phone Communications, Inc., and more time is necessary to prepare the necessary documents, and no useful purpose would be served by holding the prehearing conference as presently scheduled; and

It further appearing, that all other counsel have consented to an immediate consideration of this motion; that counsel for the other applicant fully supports the motion; and that counsel for the Common Carrier Bureau has given his consent to a 2 weeks' continuance of the prehearing conference;

It is ordered, This 23d day of June 1965, that the motion for continuance of the prehearing conference be and it is hereby granted; and the prehearing conference presently scheduled for June 24, 1965, be and it is hereby continued to July 8, 1965, at 10 a.m., in Washington, D.C.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6804; Filed, June 28, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket Nos. 1007, 1092, and 1057]

PACIFIC COAST EUROPEAN CONFERENCE ET AL.

Dual Rate Contract Provisions

Dual rate contract provisions for Pacific Coast European Conference, Latin America/Pacific Coast Steamship Conference, and Pacific Coast River Plate Brazil Conference.

Pursuant to the direction of the U.S. Court of Appeals for the Ninth Circuit in Pacific Coast European Conference et al. v. Federal Maritime Commission and United States of America (Nos. 19,237 19,238, and 19,239, Feb. 3, 1965), and in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003 et seq.), the Federal Maritime Commission hereby gives notice that it intends to promulgate the following clauses as required for the dual rate contracts of the three conferences named above. The Court of Appeals found that the conferences were not given notice, as required by the Administrative Procedure Act, of the subject matter of these clauses, and this notice is intended to correct that deficiency. Interested parties may submit such comments, views, or arguments in regard to the clauses as they desire, by submitting same in an original and 15 copies within

twenty (20) days of the date of publication of this notice to the Secretary, Federal Maritime Commission, Washington, D.C., 20573.

The proposed clauses are:

The conference shall offer to the shipper a subscription to its tariffs at a reasonably compensatory price; however, the shipper shall be bound by all notices accomplished as aforesaid without regard to whether it subscribes to the conference tariff. Tariffs shall be open to the shipper's inspection at the conference offices and at each of the offices of the carriers during regular business hours.

The rates initially applicable under this agreement shall be deemed to have become effective with their original effective date through filing with the Federal Maritime Commission rather than to have become effective with the signing of this agreement and notices of proposed rate increases which are outstanding at the time this contract becomes effective shall run from the date of publication in the tariff rather than from the date of this agreement.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6857; Filed, June 28, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP65-213—CP65-215]

PACIFIC GAS TRANSMISSION CO.

Order Vacating Order Granting Reconsideration

JUNE 18, 1965.

On May 26, 1965, Pacific Gas Transmission Co. (Pacific Transmission) filed a motion for reconsideration of the Commission's order of May 25, 1965, in which dates were fixed for the distribution of exhibits and testimony and for the setting of a prehearing conference in the above-styled proceedings.

On June 1, 1965, the Commission granted Pacific Transmission's motion for reconsideration. The Commission by its action adopted the accelerated time schedule that had been proposed by Pacific Transmission in its motion for reconsideration with the hope that the final determination of these proceedings could be expedited.

On June 3, 1965, and June 7, 1965, replies in opposition to the motion for reconsideration were timely filed by the Texas Independent Producers and Royalty Owners Association, Permian Basin Petroleum Association, West Central Texas Oil and Gas Association, the State of Texas, Jade Oil and Gas Co. and the California Gas Producers Association.

The replies filed by the above-named intervening parties disclosed that the order of the Commission issued on June 1, 1965, which adopted the accelerated schedule proposed by Pacific Transmission, was not appropriate. The Commission was not cognizant of the extensive review that the intervening parties intended to make with respect to Pacific Transmission's presentation when it adopted Pacific Transmission's proposal. The Commission will therefore vacate its order of June 1, 1965, and substitute the time schedule initially set forth in its order of May 25, 1965, in order to afford the intervening parties adequate time in which to prepare any presentation they may desire to make.

The Commission orders:

(A) The order issued on June 1, 1965, in the proceedings entitled Pacific Gas Transmission Co. et al., Docket Nos. CP65-213, et al., is vacated.

(B) A prehearing conference be convened in the proceedings entitled Pacific Gas Transmission Company, et al., Docket Nos. CP65-213, et al., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on July 22, 1965, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(C) Any party desiring to file answering testimony to Pacific Gas Transmission Co.'s direct presentation shall serve such answering testimony upon all of the parties on or before July 15, 1965.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6776; Filed, June 28, 1965; 8:47 a.m.]

[Docket Nos. CI61-392, etc.]

FOREST OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 18, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Sohio Petroleum Co., Applicant in Docket Nos. CI61-77,[1a] CI61-79,[2] and CI63-126, proposes to continue the sale of natural gas heretofore authorized in said dockets and made pursuant to Prado Oil & Gas Co., FPC Gas Rate Schedule Nos. 1, 2, and 4, respectively. Said rate schedules will be redesignated as those of Sohio. Prado filed an increased rate under its FPC Gas Rate Schedule No. 4 which was suspended in Docket No. RI61-558[3] and has not been made effective. The presently effective rate under Prado's FPC Gas Rate Schedule No. 1 is in effect subject to refund in Docket No. RI63-393.[4] Sohio has filed motions to be substituted as respondent in each of the rate proceedings. Prado commenced the sales of natural gas authorized in Docket Nos. CI61-77 and CI61-79 pursuant to unconditioned temporary certificates. The certificate applications were consolidated with Skelly Oil Co., et al., Docket No. G-18368, et al., and permanent certificates were issued in the order accompanying Opinion No. 362 (28 FPC 401) at an "in line" rate. Inasmuch as there is a possibility that some portion of the initial rate collected for sales made pursuant to the temporary certificates will have to be refunded,[5] Prado will remain responsible for such refunds although it will no longer be the certificate holder. Sohio will be substituted as respondent in each of Prado's rate proceedings, the proceedings will be redesignated accordingly, and Sohio will be required to file an agreement and undertaking in Docket No. RI63-393 to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding.

Humble Oil & Refining Co., Applicant in Docket No. CI65-1158, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10091 and made pursuant to Hanley Co., FPC Gas Rate Schedule No. 12. Hanley's contract will also be accepted for filing as Humble's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-56. Hanley collected for a locked-in period a prior increased rate subject to refund in Docket No. RI60-76.[6] Humble has filed a motion, together with an agreement and undertaking, to be made a corespondent in said proceedings. Accordingly, Humble will be made a corespondent in each of the rate proceedings, the proceedings will be redesignated, and the agreement and undertaking will be accepted for filing.

After due notice, petitions to intervene by the Long Island Lighting Co. and the Philadelphia Gas Works Division of the United Gas Improvement Co. were filed on June 5, and June 8, 1964, respectively, in Docket Nos. CI64-1017 and CI64-1065, respectively. Notices of withdrawal of the respective interventions by interveners were filed on May 17, and May 26, 1965, respectively, in Docket Nos. CI64-1017 and CI64-1065, respectively. No

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[1] Commissioner Bagge not participating.

[1a] Sohio's application has been designated as Docket No. CI65-1162. This designation will be canceled and the application will be processed in Prado's Docket No. CI61-77.

[2] Sohio's application has been designated as Docket No. CI65-1161. This designation will be canceled and the application will be processed in Prado's Docket No. CI61-79.

[3] Consolidated with Docket No. AR64-1, et al.

[4] Consolidated with Docket No. AR64-2, et al.

[5] See P.S.C. of the State of New York v. F.P.C., 329 F. 2d 242, cert. denied sub nom. Prado Oil & Gas Co. v. F.P.C., 377 U.S. 963.

[6] Consolidated with Docket No. AR61-1, et al.

other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 16, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates authorizing the sales to which Applicant is successor in Docket Nos. CI64–1017 and CI64–1065 should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI65–1161 and CI65–1162 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates issued in Docket Nos. CI61–79 and CI61–77, respectively, by permitting the successor in interest to continue the services heretofore authorized.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued in Docket Nos. G–10091, CI61–77, CI61–79, CI61–392, CI61–1589, CI63–125, CI63–126, CI63–265, CI63–1376, and CI65–767 should be amended as hereinafter ordered.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sohio Petroleum Co. should be substituted in lieu of Prado Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. RI61–558 and RI63–393, that said proceedings should be redesignated accordingly, and that Sohio should be required to file an agreement and undertaking in Docket No. RI63–393.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Co. should be made a corespondent in the proceedings pending in Docket Nos. RI60–76 and RI65–56, that said proceedings should be redesignated accordingly, and that Humble's agreement and undertaking submitted in said proceedings should be accepted for filing.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 6 and 25 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. CI61–1589 and CI65–767 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificate heretofore issued in Docket No. G–10091 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI65–1158.

(G) The certificates heretofore issued in Docket Nos. CI61–392 and CI63–265 are hereby amended to cover the interests of coowners.

(H) The certificates heretofore issued in Docket Nos. CI61–77, CI61–79, CI63–125, CI63–126, and CI63–1376 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(J) In view of the abandonment authorization granted herein in Docket No. CI65–1148, the certificate heretofore issued in Docket No. G–10082 is hereby terminated and such authorization does not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI62–524.

(K) The certificates heretofore issued in Docket Nos. G–14836, G–19179, G–20203, G–20576, CI61–1159, and CI61–1273 are hereby terminated.

(L) Docket Nos. CI65–1161 and CI65–1162 are hereby canceled.

(M) Sohio Petroleum Co., be and it is hereby substituted in lieu of Prado Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. RI61–558 and RI63–393, and said proceedings are redesignated accordingly.[7]

(N) Within 30 days from the issuance of this order, Sohio Petroleum Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI63–393 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(O) Sohio Petroleum Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sohio in Docket No. RI63–393 shall remain in full force and effect until discharged by the Commission.

(P) The authorization granted in Docket Nos. CI61–77 and CI61–79 does not relieve Prado Oil & Gas Co. from the responsibility for any refunds which finally may be ordered in said dockets for sales commenced pursuant to temporary certificates.

(Q) Humble Oil & Refining Co., be and it is hereby made a corespondent in the proceedings pending in Docket Nos. RI60–76 and RI65–56 insofar as said proceedings pertain to sales of natural gas made pursuant to Humble's FPC Gas Rate Schedule No. 374, said proceedings are redesignated accordingly,[8] and the agreement and undertaking submitted by Humble in said proceedings is hereby accepted for filing.

(R) Humble Oil & Refining Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Humble in Docket Nos. RI60–76 and RI65–56 shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61-392 3-29-65 [3]	Forest Oil Corp et al	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	Assignment 12-1-64 [4]	25	4
CI61-1589 C 4-30-65 [5]	Texaco Inc	Arkansas Louisiana Gas Co., Lassater Field, Marion County, Tex.	Amendment 3-22-65 [6]	287	8
CI63-125 E 4-13-65	Sohio Petroleum Co., (successor to Prado Oil and Gas Co.).	Northern Natural Gas Co., East Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 3.	118	
			Supplement Nos. 1-2	118	1-2
			Notice of succession 4-9-65. [8]		
			Effective date: 3-31-65		
CI63-126 E 4-13-65	do	Natural Gas Pipeline Co. of America, Southeast Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 4.	119	
			Supplement Nos. 1	119	1
			Notice of succession 4-9-65. [8]		
			Effective date: 3-31-65		
CI63-265 3-22-65 [9]	Forest Oil Corp., et al	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	Assignment 12-1-64 [4] [9]	27	6
CI63-1110 A 3-4-63 C 11-19-63	H. J. Mosser, Operator	The Altex Corp., Tom Graham Field, Jim Wells County, Tex.	Contract 1-30-63	6	
			Amendment 11-5-63	6	1
			Amendment 4-9-65 [8] [10]	6	2
CI63-1376 E 4-13-65	Sohio Petroleum Co., (successor to Prado Oil and Gas Co.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 5.	120	
			Notice of succession 4-9-65. [8]		
			Effective date: 3-31-65		
CI64-1017 A 3-10-64 (CI61-1273) (G-20303) [11]	Tenneco Oil Co. (successor to Tenneco Corp.).	Southern Natural Gas Co., Dexter Field, Walthall and Marion Counties, Miss.	Tenneco Corp., FPC GRS No. 43.	60	
			Supplement No. 1	60	1
			Notice of succession 1-9-64.		
CI-64-1065 A 3-10-64 (CI61-1273) (G-14836) [11]	Tenneco Oil Co. (Operator), et al. (successor to Tenneco Corp. (Operator), et al.).	United Gas Pipe Line Co., S. Tuleta and Normanna Fields, Bee County, Tex.	Tenneco Corp., FPC GRS No. 96.	109	
			Notice of succession 1-9-64.		
CI65-767 C 5-3-65 [8]	Southern Union Production Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 3-18-65. [7]	15	1
CI65-1032 A 4-19-65 4-27-65 [8] [12]	Bridwell Oil Co	United Gas Pipe Line Co., Williaman Field, San Patricio County, Tex.	Contract 3-1-46 [13]	11	
			Supplemental agreement 3-1-46. [13]	11	1
			Amendment 9-6-49 [14]	11	2
			Amendment 3-15-52 [15]	11	3
			Amendment 2-1-58 [17]	11	4
			Supplemental agreement 2-1-58. [16]	11	5
			Amendment 6-20-58 [13]	11	6
			Amendment 3-29-65 [7] [18]	11	7
CI65-1042 (G-11097) [21] B 4-19-65	True Oil Co. et al	Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Colo.	Notice of cancellation 4-1-65. [21] [22]	1	1
CI65-1146 A 4-29-65	Fairman Drilling Co	Consolidated Gas Supply Corp., Big Run Pool, Gaskill Township, Jefferson County, Pa.	Contract 1-14-65 [7]	44	
CI65-1147 (G-20576) B 4-28-65	Shell Oil Co	The Manufacturers Light and Heat Co., Caledonia-Pike Area, Elk and Clearfield Counties, Pa.	Notice of cancellation 4-27-65. [22] [10]	228	1
CI65-1148 (G-10082) B 4-28-65	The Superior Oil Co	Florida Gas Transmission Co., Oblate Field, Hidalgo County, Tex.	Notice of cancellation 4-27-65. [22] [10]	85	4
CI65-1149 A 4-30-65 [23]	Anadarko Production Co.	Northern Natural Gas Co., northeast Dower Field, Beaver County, Okla.	Contract 4-15-65	88	
			Letter Agreement 3-30-65. [23]	88	1
			Letter agreement 4-15-65. [7] [7]	88	2
CI65-1151 (CI61-1159) B 4-30-65	Lab Oil Co. (Operator), et al.	Coastal States Gas Producing Co., A & H Field, Duval County, Tex.	Notice of cancellation 4-26-65. [24] [10]	6	1
CI65-1155 A 5-3-65 [8]	The Waverly Oil Works Co.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 4-15-65 [7]	5	
A CI65-1158 (G-10091) F 5-3-65	Humble Oil & Refining Co. (successor to Hanley Co.)	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Contract 4-13-55 [25]	374	
			Letter agreement 10-3-55. [25]	374	1
			Supplemental agreement 10-26-59. [26]	374	2
			Supplemental agreement 12-7-60.	374	3
			Assignment 4-1-65 [24]	374	4
			Effective date: 4-1-65		
CI65-1159 A 5-3-65 C 5-14-65 [8]	Tenneco Oil Co. et al	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex., and LaPlata County, Colo.	Contract 4-5-65	176	
			Supplemental agreement 4-26-65. [7]	176	1

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[7] Sohio Petroleum Co.

[8] Docket No. RI60–76, Hanley Co. (Operator), et al., DST Exploration Corp. (Operator), et al., and Humble Oil & Refining Co.; Docket No. RI65–56, Hanley Co. (Operator), et al., and Humble Oil & Refining Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-1161 (CI61-79) A 4-13-65 [21]	Sohio Petroleum Co. (successor to Prado Oil and Gas Co.).	South Texas Natural Gas Gathering Co., Prado Field, Jim Hogg County, Tex.	Prado Oil and Gas Co., FPC GRS No. 2.[28]	122	----
			Notice of succession 4-9-65.[4]	----	----
			Effective date: 3-31-65.[5]	----	----
CI65-1162 (CI61-77) A 4-13-65 [21]	do	do	Prado Oil and Gas Co., FPC GRS No. 1.[14]	121	----
			Supplement Nos. 1-3	121	1-3
			Notice of succession 4-9-65.[4]	----	----
			Effective date: 3-31-65.[5]	----	----
CI65-1166 A 5-4-65 [6]	Gulf Oil Corp.	Northern Natural Gas Co., Hansford (Upper Morrow) Field, Hansford County, Tex.	Contract 3-10-65.[7]	298	----
CI65-1167 (G-19179) B 4-28-65	Oley Yeager	Pennzoil Co., Sheridan District, Lincoln County, W. Va.	Notice of cancellation 4-27-65.[22 23]	1	3
CI65-1169 A 5-6-65 [25]	Gulf Oil Corp. (Operator), et al.	Panhandle Eastern Pipe Line Co., Etsel Field, Kiowa County, Kans.	Contract 3-10-65	297	----
			Ratification agreement 4-8-65.[26]	297	1
			Ratification agreement 4-8-65.[27 7]	297	2

[1] Omitted.
[2] Omitted.
[3] Applicant requests that its certificate be amended to cover the interests of coowners.
[4] Rate schedule filing consists of an assignment reflecting a change in interest only. No new dedication involved.
[5] Effective date: Date of transfer of interest involved.
[6] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[7] Effective date: Date of initial delivery.
[8] Applicant acquired subject properties from CMC Corp. via conveyance dated Mar. 12, 1965, effective Mar. 31, 1965. CMC had previously acquired the properties from Prado Oil and Gas Co. via conveyance dated Oct. 15, 1964, but had made no filings.
[9] Amends contract pricing provisions in compliance with temporary certificate to conform with Order No. 242.
[10] Effective date: Date of this order.
[11] Applicant is being authorized in Docket Nos. CI64-1017 and CI64-1065 to continue the sales authorized to the predecessor in Docket Nos. G-14836, G-20203 and CI61-1273. Docket Nos. G-14836, G-20203 and CI61-1273 will be terminated by this order.
[12] Amendment to the application to reflect a price of 13.4196 cents/Mcf in lieu of 13.25 cents/Mcf.
[13] Buyer shall reduce the price for gas ¾ cent/Mcf in the event buyer installs compression facilities. 1¼-cents reduction if the gas requires additional compression.
[14] Provides for a 1 year term from date of first deliveries.
[15] Amends contract price; provides new gas measurement basis; amends term to 10 year; adds acreage.
[16] Provides for certain tax reimbursement; defines gas measurement basis; amends contract price; extends term to 10 years.
[17] Amends delivery pressure; amends pricing provisions as follows: 12¼ cents to June 1, 1968, with 1.0 cent periodics each 5-year period; amends contract term to 20 years.
[18] Provides a 20-year term for gas from any and all acreage dedicated to the contract.
[19] Reserves sufficient gas for seller for use in any compression facilities; amends metering, gas measurement, and delivery provisions.
[20] Amends gas measurement provision; adds acreage.
[21] Docket previously terminated (inadvertently) by order issued May 20, 1963, in Docket No. C-2843 et al., Fain & MaGaha, et al.
[22] Source of gas depleted.
[23] Omitted.
[24] Omitted.
[25] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[26] Establishes provisions for ownership of the helium gas constituent.
[27] Provides for the connection of well that does not meet the contract reserves requirements.
[28] Between Hanley Co. and El Paso Natural Gas Co.; on file as Hanley Co. FPC GRS No. 12.
[29] Adds acreage.
[30] Deletes favored nation clause from basic contract and establishes periodic rate increases.
[31] Transfers interest from Hanley Co. to Humble Oil & Refining Co.
[32] The applications filed in Docket Nos. CI65-1161 and CI65-1162 will be treated as petitions to amend the certificates issued in Docket Nos. CI61-79 and CI61-77, respectively, to reflect the succession of interest. Docket Nos. CI65-1161 and CI65-1162 will be canceled.
[33] Basic contract related to casinghead-gas only.
[34] Basic contract relates to gas-well gas only.
[35] Production of gas no longer economically feasible.
[36] Adoption of Gulf's contract by Francis Oil & Gas, Inc.
[37] Adoption of Gulf's contract by Herman George Kaiser.

[F.R. Doc. 65-6725; Filed, June 28, 1965; 8:45 a.m.]

[Docket No. E-7232]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 23, 1965.

Take notice that on June 18, 1965, Northern States Power Co. (Applicant), a Minnesota corporation, qualified to do business in the States of North Dakota and South Dakota with its principal place of business office at Minneapolis, Minn., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue 772,008 additional shares of its Common Stock.

Applicant proposes to issue and sell 772,008 additional shares of its Common Stock by (a) offering said shares to the holders of its Common Stock on the basis of one share for each 20 shares of record held on a date and at a price to be determined by the Applicant at a later day by mailing such holders a subcription warrant, (b) offering to its regular full time employees and those of its subsidiaries and to former employees now on retirement and receiving payments under a pension plan at the Subscription Price such of the additional Common Stock as shall not be subscribed for by the holders of the subscription warrants, and (c) selling at the subscription price, at competitive bidding such of the above shares of Common Stock as are not subscribed for by the holders of the subscription warrants or by the aforesaid employees.

Applicant also proposes to publish in the Wall Street Journal not later than 1 week prior to the time to be specified therein as the time up to which proposals will be received by Applicant, an invitation for proposals for the purchase from it of the unsubscribed stock.

According to the application, proceeds from the sale of the additional shares of Common Stock will be added to the general funds of the Applicant and will be used to retire all short-term bank loans outstanding at the time the proceeds are received and to provide funds for construction expenditures. The above mentioned bank loans, expected to aggregate $25,000,000 have been or will be incurred in connection with Applicant's 1965 construction program, expenditures for which are presently estimated at $51.6 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6775; Filed, June 28, 1965; 8:47 a.m.]

[Docket No. CP65-405]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 23, 1965.

Take notice that on June 17, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65-405 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities to be used for the sale and delivery of natural gas to Mississippi Power & Light Co. (Mississippi Power), Warren County, Miss., for an electric generating plant currently under construction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant would construct and operate approximately 2.9 miles of 20-inch pipeline, an orifice meter station and appurtenant facilities in Warren County, Miss. The estimated annual and peak day requirements of natural gas for Mississippi Power's generating plant during the third year are 32,120,000 Mcf and 110,000 Mcf, respectively.

The estimated cost of construction of the proposed facilities is $435,912, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6777; Filed, June 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

IDAMONT OIL & MINING CO.

Order Suspending Trading

JUNE 23, 1965.

The capital stock of Idamont Oil & Mining Co., certain fractional undivided interests and investment contracts relating to its mining properties, and options to acquire such stock and interests are being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of such trading in such securities is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the capital stock of Idamont Oil & Mining Co., certain fractional undivided interests and investment contracts relating to its mining properties, and options to acquire such stock and interests, otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period June 23, 1965, to July 2, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6774; Filed, June 28, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39863—*Furniture between points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2785), for interested rail carriers. Rates on furniture, in carloads, between points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-390.

FSA No. 39864—*Returned shipments of starch from, to, and within official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2786), for interested rail carriers. Rates on starch, in carloads, on shipments returned from original destinations to original points of shipment in official, Illinois Freight Association and western trunkline territories.

Grounds for relief—Carrier competition.

FSA No. 39865—*Petroleum products from Denver, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2407), for interested rail carriers. Rates on residual fuel oil, distillate fuel oil, not suitable for illuminating purposes and gas oil, in tank carloads, from Denver, Colo., to points in Iowa, Minnesota, South Dakota, and Wisconsin.

Grounds for relief—Market competition.

Tariffs—Supplements 1 and 8 to Western Trunk Line Committee, agent, tariffs I.C.C. A-4593 and A-4572, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6796; Filed, June 28, 1965; 8:48 a.m.]

[Notice 1195]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67874. By order of June 21, 1965, the Transfer Board approved the transfer to L. L. Smith Trucking, a corporation, Powell, Wyo., of the operating rights issued by the Commission July 27, 1948, under Certificate No. MC-107439 (Sub-No. 1) to C. C. Barnes and C. C. Simonson, a partnership, doing business as the Barnes Truck Co., Riverton, Wyo., authorizing the transportation, over regular routes, of general commodities, except household goods, and other specified commodities, between Riverton, Wyo., and Dubois Wyo., and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska, over irregular routes. Franklin S. Longan, Suite 319, Securities Building, Billings, Mont., attorney for applicants.

No. MC-FC-67876. By order of June 21, 1965, the Transfer Board approved the transfer to McCormick's Express, Third and Winslow Streets, Camden 4, N.J., of the operating rights in Permit No. MC-84444 (Sub-No. 3), issued August 7, 1963, to William H. McCormick, Rose A. McCormick, James A. McCormick, Joseph A. R. McCormick, and Elizabeth L. McCormick, a partnership, doing business as McCormick's Express, Third and Winslow Streets, Camden, N.J., authorizing the transportation, over irregular routes of paperboard, wallboard, fire extinguishing materials, waste paper, licorice root, licorice mass, powdered licorice, syrup, and woodpulp (except liquids in tank vehicles), from Camden, N.J., to points in Delaware, those in Maryland in and east of Frederick County, and those in Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York Counties, Pa., and waste paper and such supplies and equipment as are used by a licorice and paperboard manufacturer (except liquids in tank vehicles), from the destination points described above, to Camden, N.J., as restricted, and paperboard, wallboard, fire extinguishing materials, wastepaper, licorice root, licorice mass, powdered licorice, syrup, woodpulp, and such general supplies and equipment as are used by a licorice manufacturer, between Camden, N.J., on the one hand, and, on the other, New York and Long Island City, N.Y., and points in Pennsylvania within 30 miles of Philadelphia, Pa.

No. MC-FC-67920. By order of June 17, 1965, the Transfer Board approved the transfer to Westfair Transport Corp., South Norwalk, Conn., of certificate in No. MC-112718, issued November 4, 1964, to Paul K. Cleveland, doing business as Westfair Air Service, South Norwalk, Conn., authorizing the transportation of: General commodities, with the usual exceptions between Norwalk, Conn., and New York, N.Y., serving all intermediate points and certain named off-route points; motor and vegetable oil, between Stamford, Conn., and Boston, Mass., serving certain named intermediate and off-route points, general commodities with the usual exceptions between points in Connecticut and between New York, N.Y., on the one hand, and, on the other, certain named counties in New Jersey; new pianos, heavy machinery and equipment, and steel, between points in Connecticut on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island, and electrical equipment, telephone mate-

rials and patterns, and empty steel drums, between Stamford, Conn., on the one hand, and, on the other, points in a specified part of New Jersey. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney at law.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6797; Filed, June 28, 1965; 8:48 a.m.]

[Notice 1195-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67345. By order of June 15, 1965, Division 3 acting as Appellate Division, approved the transfer to Atlantic Coast Import Carriers, Inc., 113 East 22d Street, Bayonne, N.J., of a portion of Certificate No. MC-115273 (Sub-No. 6), issued July 12, 1961, to Acme Carriers, Inc., South Kearny, N.J., authorizing the transportation of coffee beans and tea, and spices and nuts when transported in the same vehicle and at the same time with coffee beans and tea, over irregular routes, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Cleveland and Toledo, Ohio, St. Louis, Mo., Valparaiso, Ind., and Milwaukee, Wis.; and from points in New Jersey within the New York, N.Y., commercial zone, as defined by the Commission, to Chicago, Ill. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for transferor.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6798; Filed, June 28, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

	Page
213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987, 8093.
511	7962, 8216
531	7962, 8216
630	7557

7 CFR

	Page
Ch. I	8093
16	7426
26	8031
28	7426
29	7385
30	7385
34	7385
51	7595
57	8031
68	8031
81	8093
160	7385
201	7887
301	8221
718	7427
722	7271, 7385, 7809, 7987
724	7646, 8153
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947, 8221
909	7273
910	7435, 7647, 7947, 8222
911	7647, 8031
915	7436, 7893, 8093
916	7948
917	7473-7475, 8031, 8255
922	8255
923	7648
944	7436, 7743
945	8154
958	7596
970	7274
1133	7988
1136	7893
1408	8094
1421	7475, 7811, 7988, 7991
1427	7814, 8096
1438	7948
1600	8155

7 CFR—Continued

	Page
PROPOSED RULES:	
28	8049
29	7494
51	7396
52	7524
53	8225
724	8000
911	7501
915	7501
916	7284, 8226
917	8273
923	8110
991	7825
1002	7839
1040	7903
1042	7903
1068	7221, 8227
1097	8228
1102	8228
1108	8228
1133	7284, 8000
1136	8049
1138	7288, 8050

8 CFR

	Page
103	7516
214	8102
264	7312

9 CFR

	Page
51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
131	8271
201	7662, 7721

10 CFR

	Page
30	8185
31	8189
32	8192
33	8198

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

45 CFR

46 CFR

PROPOSED RULES:

47 CFR

PROPOSED RULES:

48 CFR

49 CFR

PROPOSED RULES:

50 CFR